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(b) SECNAV M-5210.1

Encl: (1) Conservation Law Enforcement Program

1. PURPOSE. The enclosure provides procedural guidance, directions, and details to establish and implement a conservation law enforcement program in accordance with reference (a) policies, and to implement the provisions of the 5 June 2003 Memorandum of Agreement with the U.S. Fish and Wildlife Service, Appendix A.

2. INFORMATION. The use of this NAVMC Directive provides a tool that focuses on creating an ingrained conservation ethic as part of the Marine Corps conservation program. The records described in this Directive must be retained per reference (b).

3. SCOPE. This Directive applies to Marine Corps bases, stations and installations.

4. COMMAND. This Directive is applicable to the Marine Corps Total Force.

5. CERTIFICATION. Approved on the date signed.

R. S. KRAMLICH
Director, Marine Corps Staff

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CONSERVATION LAW ENFORCEMENT PROGRAM

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 1

CONSERVATION LAWS ENFORCEMENT AUTHORITIES

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 1

CONSERVATION LAW ENFORCEMENT AUTHORITIES

1000. Purpose. The purpose of the Conservation Law Enforcement Program (CLEP) is to ensure the enforcement of nine (9) Federal conservation statutes set forth in the 2003 Memorandum of Agreement (MOA) between the Marine Corps and U.S. Fish and Wildlife Service (USFWS), to protect sensitive natural and cultural resources in order to sustain use of military lands for readiness activities.

1. Professional nature of the job. A well-trained, professional staff will conduct conservation law enforcement.

2. Duties of Conservation Law Enforcement Officers (herein after referred to as Conservation Officers). The jurisdictional authority of conservation law enforcement officers is limited to that delegated by the 2003 MOA. Conservation officers will conduct a range of complex law enforcement activities to enforce natural and cultural resources laws, including but not limited to the following: investigating fish and wildlife crimes; patrolling; surveillance; interviewing witnesses; interrogating suspects; searching for physical evidence and clues; seizing wildlife or archaeological contraband, equipment, and vehicles; searching and serving warrants; making arrests; and testifying in Federal and when authorized, State courts, for violations of any of the nine Federal conservation laws provided in the 2003 MOA.

3. Position Descriptions. Those preparing position descriptions for conservation officers will consider the mission of the CLEP, as discussed in Section VII of this NAVMC.

4. Bargaining Obligations. The provisions of this NAVMC will not apply to conservation officers who are members of bargaining units until all bargaining obligations with the exclusive representatives of those employees have been met.

1001. Statutory and Regulatory Authority

1. Title 16, U.S.C., Section 670e.1. The Secretary of Defense may enforce all Federal laws governing management of natural resources on Federal lands that occur on military installations within the United States.

2. Title 16, U.S.C., Section 670e.2. To the extent practicable using available resources, the Secretary of each military

department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resources law enforcement personnel are available and assigned the responsibility to perform tasks necessary to execute the requirements of Title 16 (Conservation), including preparing and implementing integrated natural resources management plans.

3. CFR (Code of Federal Regulations), Part 32, Section 190.4(j). Enforcement of laws primarily aimed at protecting natural resources is an integral part of a natural resource program and shall be coordinated with or be under the direction of the natural resources manager for the affected area. Section 190.4(h) of Part 32, CFR, states the management and conservation of natural resources under Department of Defense (DoD) stewardship is an inherently governmental function. Therefore, Section 169 of Part 32 CFR, (Commercial Activities Program) does not apply to managing, implementing, planning, or enforcement of DoD natural resources programs.

4. CFR, Part 32, Section 190.7. B.3.(g). Whenever hunting, fishing, or trapping is allowed on DoD installations, enforcement of wildlife laws shall be addressed in the fish and wildlife management plans and executed by trained conservation officers under the direction of or in coordination with the wildlife manager.

5. DOD Directive 5210.56. Only the Heads of the DoD components or their designees have authority to grant authorization to carry firearms to conservation officers. Personnel issued firearms shall be briefed thoroughly on their individual responsibilities and shall receive the mandatory training as required by this NAVMC. DOD Directive 5210.56, paragraph E1.1.5, states that DoD military and civilian personnel regularly assigned to law enforcement or security duties may be given a continuing authorization to carry firearms, provided they pass the required annual qualification standards and meet all other applicable statutes.

6. DOD Instruction (DODI) 4715.3 of 3 May 1996, Section D1.1. Professional natural and cultural resources staff shall oversee enforcement of applicable laws as an integral part of an installation's conservation program. Section D.1.m of DODI 4715.3 states that managing and conserving natural and cultural resources under DoD control, including planning, implementing, and enforcement functions, are inherently governmental functions that shall not be the subjects of contracts with private parties. DoD components having contractor operated installations or facilities shall ensure that contracts or agreements clearly delineate contractor and government functions, responsibilities, and authority as they relate to natural resources.

7. SECNAVINST 5090.8, Paragraph 1. This instruction establishes policy and assigns responsibilities within the Department of the Navy concerning environmental protection, natural resources, and cultural resources programs.

8. SECNAVINST 5822.1A, Federal Magistrates Act; Implementation by Department of the Navy. Under this system, United States magistrates will preset fines for most misdemeanors, *where permitted by local court rules*, and will allow persons who are charged with such violations, and who neither contest the charge nor wish to have a court hearing, to pay the fine by mail. For military installations, the heart of the United States magistrate system is DD Form 1805 (United States District Court Violation Notice). Installation staff judge advocates should coordinate and gain approval from United States district courts to adopt the Regional USFWS forfeiture of collateral schedule for processing violations committed on Marine Corps installations.

9. MCO P5090.2A, Chapter 11, Section 2. Enforcing laws primarily aimed at protecting natural resources must be an integral part of an installation's natural resources program and must be coordinated with, or be under the direction of, the installation natural resources manager. Natural resources law enforcement will be conducted by professionals who are properly trained and qualified to implement an effective program.

10. U.S. Fish and Wildlife Service (USFWS)/U.S. Marine Corps (USMC) Memorandum of Agreement (MOA). This MOA permits the Marine Corps to enforce nine federal statutes protecting fish, wildlife, and natural and cultural resources of the United States located on DoD installations. Under this MOA, the USFWS has delegated arrest authority to the Marine Corps, who may re-delegate the authority to conservation law enforcement officers as expressly authorized under the MOA for Cooperative Law Enforcement between the USFWS and the USMC (Appendix A to this NAVMC). All conservation officers shall read the MOA and its attachments.

11. MCO P5530.14A, Marine Corps Physical Security Program, Aug 2005, Chapter 2, 2001. Physical Security Credentials. In the performance of their assigned duties, physical security specialists (military/civilian) must be permitted access to all designated restricted areas and other facilities containing critical assets. Accordingly, physical security specialists must possess an official means to identify themselves to unit commanders with facilities that are subject to the requirement for a physical security survey as prescribed herein. This requirement applies to conservation officers, who will be identified by their Federal Law Enforcement Officer badge and

identification card issued by the Commandant of the Marine Corps (CMC), Land Use and Military Construction Branch (LFL); and an identification card issued by the specific installation.

1002. Role of the NAVMC. This NAVMC establishes requirements to standardize law enforcement procedures for natural and cultural resource programs, credentials, training requirements, firearms issuance and use, and general service position series and grades for conservation law enforcement officers in the performance of their official law enforcement duties.

1. Requirements. Conservation officers shall be properly trained and equipped to carry approved firearms and non-lethal devices in the performance of their official duties, as provided in statutory authority, to ensure the protection of human life, personal property, and natural and cultural resources found on lands and facilities entrusted to the USMC.

2. Training. Successful completion of the Federal Law Enforcement Training Center (FLETC), Land Management Police Training (LMPT), formerly known as Natural Resource Police Training (NRPT) is required to ensure conservation officers receive the comprehensive training and skills needed to effectively interact with the public, State and Federal agencies, commensurate with Departments of Interior, Transportation, and Homeland Security. Following completion of LMPT, conservation officers are encouraged to attend the Criminal Investigators Training Program (CITP). Numerous other firearms instructors' courses are available at FLETC; see the FLETC Course Catalog at www.FLETC.GOV.

1003. Procedures for Training and Credentials. Conservation law enforcement officers, herein after called conservation officers, will be issued an identification card from the installation which grants authority to monitor compliance with base conservation and recreation regulations, pending completion of FLETC LMPT, and upon completion of pre-hire screening. Upon FLETC LMPT completion, a Federal badge of commission and a Department of Interior, USFWS Law Enforcement Officer identification card will be issued by the CMC (LFL) as identified in the USFWS/USMC MOA and this Directive.

1. Authority Vested with the Badge. Upon receipt of a Federal badge of commission and USFWS identification card, conservation officers shall be authorized to (a) investigate, search, seize, and arrest anyone (active duty or reserve military or civilian) suspected of violating any of the nine Federal conservation statutes listed in the USFWS/USMC MOA and State conservation laws

not otherwise provided for the Federal law, and (b) issue citations for violations of those statutes, according to procedures identified in this NAVMC, the USFWS/USMC MOA, and applicable MOAs between the installation and local USFWS offices.

2. Firearms Use. Nothing in this MAVMC shall govern nor prohibit the use of firearms in the performance of non-law enforcement activities by Marine Corps employees and authorized civilian contractors. Non-law enforcement activities in which a firearm may be used include dispatching or shooting injured animals, self-defense against wildlife, predator or wildlife damage control, or similar situations that do not involve using a firearm for protection against a person or persons on military lands.

3. Domestic Animals. MCO P5580.2A, Marine Corps Law Enforcement Manual, directs the provost marshal to establish a program for domestic animals that are a nuisance, neglected, abused, or have inflicted a bite. MCO P5580.2A establishes funding sources for potential infectious disease transmission from domestic animals to wildlife, domestic animal control and management. The responsibility for these programs will continue to fall under the provost marshal's office (PMO). Non-domestic wildlife control and management remains under the Environmental Directorate responsibilities in accordance with MCO P5090.2A.

CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 2

CONSERVATION LAW ENFORCEMENT PROGRAM LOCATION REQUIREMENTS
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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 2

CONSERVATION LAW ENFORCEMENT PROGRAM LOCATION REQUIREMENTS
AND REPORTING PROOCEDURES

1200. Location and Requirements. Conservation law enforcement programs and personnel shall be assigned to the Environmental or Natural Resources Directorate on the installations. This best serves the installation commanders in implementing the Integrated Natural and Integrated Cultural Resource Management plans and promoting the maximum availability of land, waters, and airspace to accomplish mission and training requirements.

1. Conservation Officer Status. Conservation officers shall be civilian personnel verses active duty, reserve military or contractors.

2. Candidates for Hire. Candidates for new hire conservation officers are required to receive a preliminary criminal records check which will be conducted by the installation PMO in coordination with CMC (PP&O/PS), or the Commanding Officer may assign the Security Officer or other designated officer to ensure compliance with screening requirements. The Commanding Officer is responsible for ensuring that the initial and annual screenings are completed. After the incumbent is hired, the Office of Personnel Management (OPM) will conduct a National Agency Check with Written Inquires and Credit (NACIC). Installation Human Resource Officers are to ensure the job announcement states that new hires will have an NACIC check. New conservation officers may be hired while the NACIC check is being conducted, however, the candidate must successfully pass the background check prior to attending FLETC LMPT. The candidate must complete FLETC LMPT before being issued a firearm. Candidates must not have been convicted in Federal or State court of any felony or any misdemeanor crime of domestic violence that would prohibited the person from possessing firearms under Section §922(g) of Title 18 U.S. Code. Candidates who fail a background check, medical check, FLETC LMPT, or mandatory probationary requirements, or who cannot possess firearms, may be either reassigned to non-law enforcement duties or terminated by the Environmental Directorate. This decision will be made at the installation and decided on a case-by-case basis.

3. Support for Provost Marshall Office (PMO). Conservation officers will provide support to the installation provost marshal in times of emergency and/or when their expertise is needed. Conservation officer support requirements to the provost marshal,

if deemed necessary, will be agreed to and identified in applicable installation orders or standard operating procedures (SOP), or as part of the Integrated Natural Resource Management Plan (INRMP).

1201. Reporting Procedures

1. Frequency. Frequency of reporting criminal activity to the PMO will be determined at the installation level and identified in the respective installation order or SOP. Normally, incidents will be reported to the PMO within 24 hours. Communication between conservation officers and the military police is paramount. The installation PMO shall provide continuous access to the PMO first responder communication to the conservation officers. Communication equipment compatible with the PMOs communication system, such as radios and cell phones, will be funded through the Environmental Directorate budget. The rapport between conservation officers and military police must be fostered to ensure proper support and safety for all agencies. Conservation officers and military police will develop close working relations with the Naval Criminal Investigative Service (NCIS), USFWS, State Historic Preservation offices, and State Fish and Game offices to share information and promote safe and effective programs.

2. Procedures. Conservation officers will inform the PMO of all criminal activities by completing a Standardized Incident Complaint statement which will be forwarded to the installation PMO for inclusion into the Consolidated Law Enforcement Operations Center. Standard incident complaint statistical data will be compiled and forwarded to the Department of Justice annually. This will ensure consistency and standardization of information received from each installation. In addition, installations shall provide fiscal year conservation law enforcement reports to CMC (LFL) by the end of each October.

3. Investigation Responsibility. Conservation officers will be responsible for investigating and arresting anyone suspected of violating the nine Federal statues listed in the MOA with USFWS at Appendix A.

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CHAPTER 3

TRAINING REQUIREMENTS, FIREARMS, REQUALIFICATION AND EQUIPMENT

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 3

TRAINING REQUIREMENTS, FIREARMS, REQUALIFICATION AND EQUIPMENT

1300. Law Enforcement Education and Training

1. Natural Resources, Marine Resources, and Endangered Species Act Training. Conservation officers must be trained to enforce natural resource laws including the Marine Mammal Protection Act, Endangered Species Act, and Migratory Bird Treaty Act, as applicable to resources found on the installation. Conservation officers should serve to ensure Marine units that are training comply with requirements of a biological opinion issued by USFWS, in accordance with the Endangered Species Act. Suggested agencies that offer training include:

a. CECOS - Civil Engineer Corps Officer School (CECOS), Natural Resources Compliance.

b. National Military Fish and Wildlife Association, Annual Training.

c. Department of Interior - National Conservation Training Center, fish, wildlife and archaeological resources courses.

2. Conservation officers shall successfully complete the annual 40-hour Law Enforcement In-service Training conducted by Marine Corps Conservation Law Enforcement staff as designated and announced by CMC (LFL). The In-service Training will be hosted by a different installation each year on a rotating basis. If the supervisor of the conservation officer cannot authorize the conservation officer to attend, an alternate law enforcement refresher course may be substituted.

3. Cultural and Historic Resource Law Training. Installations that have cultural resources that warrant resource protection and enforcement under the Archaeological Resource Protection Act (Section 470aa-mm of Title 16, U.S.Code) shall ensure conservation officers receive applicable training to enforce these laws. Conservation officers should be familiar with provisions of the Native American Graves and Repatriation Act of 1990 and the American Antiquities Act of 1906, as amended, and other applicable State and local cultural resource protection laws for the identification of illegal trafficking of Native American human remains or unauthorized excavation activities to report to the installation Cultural Resource Manager for administrative action. Conservation officers should be familiar

with the National Historic Preservation Act of 1966, as amended, to identify vandalism to protected historic resources on the base, for reporting to the Cultural Resource Manager for administrative action. Installations shall determine the frequency and type of training courses for conservation officers to meet historic and archaeological resource protection requirements. Suggested agencies that offer training include:

- a. CECOS, Cultural Resources Training Courses.
- b. Bureau of Land Management, Western states.
- c. USFWS National Conservation Training Center.
- d. FLETC Archaeological Resources Protection Act Course.
- e. National Historic Preservation Advisory Council,
Introduction to Federal Projects & Historic Preservation Law

4. Training for Supervisors. First line supervisors of conservation officers are highly recommended to attend the FLETC Law Enforcement Supervisor Leadership Training Program. Recommended training for second line supervisors is FLETC Law Enforcement Manager Training Program.

5. Environmental Compliance Enforcement Training. Installation environmental directorates will decide who is responsible for monitoring or reporting of criminal activities associated with the Resource Conservation and Recovery Act of 2002. Either qualified personnel who work in the environmental compliance programs or conservation officers may be used. Whomever the Environmental Directorate deems appropriate for enforcement and/or reporting duties, they shall ensure personnel receive training that is commensurate with assigned responsibilities. Suggested agencies that offer training include:

- a. US EPA - 40 hour Hazardous Waste Training.
- b. CECOS - Environmental Protection.
- c. CECOS - Hazardous Waste Handling & Operations.

6. Training Officer Functions, Responsibilities, and Training. Installations must have a training officer to oversee requirements for firearms training, requalification, records, storage, handling, and carry of firearms. The chief conservation officer shall be designated as the training officer. If the base only has one conservation officer, he or she, or the supervisor of the conservation officer, may serve as the training officer and collaborate with the installation provost marshal, and/or

cooperating Federal or State agencies, as needed. If the base has more than one conservation officer, the chief conservation officer may appoint and designate one of the positions as the training officer. Suggested agencies that offer training include:

- a. FLETC, Basic Law Enforcement Supervisor's Training Program.
- b. U.S. National Wildlife Refuge System.
- c. U.S. National Park Service.
- d. U.S. Forest Service.

1301. Firearms Training. Conservation officers shall complete the FLETC LMPT to receive a USFWS Federal Law Enforcement identification card and Federal badge of commission, which will be issued by CMC (LFL). Refer to Chapter 5 for details on credentials and grandfather clause.

1. Sidearms

a. Initial Training. Initial training in the use of an approved sidearm shall be accomplished by the conservation officer's successful completion of the LMPT, as administered by the FLETC. All conservation officers must fire a minimum score of 80 percent or better on the course of fire used for qualification purposes during this basic training. The inability of a conservation officer to qualify at the 80 percent or better level will result in his or her failure to successfully complete this required basic training. The inability to requalify at 80 percent or better results in non-completion of FLETC LMPT and will be grounds for termination of employment, or reassignment of duties, to be determined by the Environmental Directorate.

b. Sidearm Specific Training. The initial training referred to in paragraph 1301.1.a, above, must be specific to the type of sidearm that the conservation officer will be issued and used at the installation he or she is assigned to. If a different type of sidearm was used during initial training, the conservation officer must successfully qualify using the weapon that is issued at the installation. The appropriate firearms qualification training must be completed prior to the conservation officer being issued a sidearm of a different type than the one used during initial training. After receiving this training, the officer must be issued an appropriate weapon within 90 days. If the sidearm cannot be issued within this 90-day time frame, a

refresher-training course authorized by the training officer will have to be completed.

2. Shotguns. Initial training in the use of an approved shotgun will be accomplished during the conservation officer's successful completion of the NRPT, as administered by FLETC. Conservation officers not receiving this initial training must demonstrate proficiency with the shotgun by qualifying in accordance with the standard shotgun qualification course, as discussed in section 1302 of this NAVMC.

3. Rifles. Conservation officers are authorized to carry approved rifles for official duty only when they have successfully completed the required rifle training specified by the training officer.

4. Firearms Transition Training. Each installation will have a Certified Firearms Instructor to fulfill the tasks discussed in paragraph 1302 of this NAVMC. If an installation lacks a certified firearms instructor, transition training and qualification on a new sidearm, shotgun, or rifle is available at MCB Quantico. The certified firearms instructors at MCB Quantico may be reached at 703-432-6794/95 to schedule firearm transition training.

1302. Qualification and Re-qualification Training

1. Annual Training. All conservation officers shall receive a minimum of 4 hours of firearms training annually. In addition, every conservation officer must re-qualify every 6 months with each duty weapon they carry. Re-qualification shall be accomplished by firing for record the required score of at least 80 percent on an authorized course of fire for each weapon that will be carried for law enforcement purposes. At the annual In-Service training, conservation officers will also receive refresher or additional training in weapons handling, tactics, and other firearms skills necessary to effectively and safely use the weapons.

2. Reduced Light Course. All conservation officers must fire and pass an authorized reduced-light course annually with all firearms they are required to carry.

4. Scores. All scores fired for record during initial qualification and re-qualification must be fired under the supervision of a certified firearms instructor and verified by the installation certified firearms instructor.

5. Records. The chief conservation officer, or the training officer, of each Marine Corps installation shall maintain all firearms records referred to in this NAVMC. These records shall indicate pass/fail and/or numerical scores. These records must be maintained for 5 years, per reference (b), SSIC, 12410.14. The records shall indicate the date of firing, time of day, weather conditions; course of fire, number of rounds, ammunition type, weapon used, and range location. In addition, the records shall identify the certified firearms instructor under whose supervision the firing occurred and note any specialized instructions given to individual shooters.

6. Targets. All scores fired for record shall be fired on approved targets specified for each course of fire, by the course certified firearms training officer. The firing of a score for record on any target not specified in each course of fire shall require the prior approval of the training officer, and shall be noted on the firearms training record.

7. Authorized Courses of Fire. Courses of fire used for requalification shall meet the USFWS approved courses of fire for qualifying and requalifying USFWS law enforcement officers, for that specific handgun, rifle, shotgun, or low-light course.

8. Other Courses of Fire. If under unusual circumstances, a conservation officer is unable to fire on an approved course of fire due to a remote duty station location, no appropriate firing range facilities, or other limiting factor; the officer may requalify on any approved practical police course used by any police agency in the surrounding area. All the other firearms requirements in this chapter shall remain the same.

1303. Firearms Instructors and Armorers

1. Certified Firearms Instructors. The Head, Environmental Directorate; Head Natural Resources Section; or chief conservation officer shall select an individual to serve as a certified firearms instructor (CFI). The primary role of the CFI is to oversee firearms training, requalification, and weapon familiarization at the field level for those personnel with conservation law enforcement authority. The CFI will plan, organize, implement, and evaluate the firearms training program in his or her section.

a. Qualifications. A CFI must graduate from a Firearms Instructor Training Course at the FLETC or an equivalent course of instruction approved by another Federal Law Enforcement Agency (e.g., Drug Enforcement Agency, FBI) to remain certified and perform as the CFI.

b. Firearms Instructors Manual. CFIs will develop, coordinate, issue, and revise the firearms instructor manual. The firearms instructor manual contains applicable copies of the Marine Corps Natural Resources Law Enforcement firearms policies and guidelines; approved courses of fire, lesson plans, re-qualification reporting procedures and formats, and other information deemed necessary for properly administering the firearms program.

2. Firearms Instructors Refresher Training. CFIs must successfully complete refresher-training session every 3 years. The refresher training shall be the FLETC Instructor Refresher Training or a firearm instructor refresher course conducted or approved by another Federal law enforcement agency.

3. Civilian Non-Marine Corps Firearms Instructors. When special circumstances exist and a CFI is not available to conduct requalification, this duty may be performed by a CFI employed and designated by any bona fide Federal, State, county, or municipal police agency. The appropriate qualification forms must be completed for any requalification conducted by such CFIs. When appropriate, large size Marine Corps installations shall support Marine Corps bases that have only one conservation officer.

4. Designated Armorers. Designated armorers will receive training and certification to perform routine inspection, maintenance, and repair of duty firearms. Designated armorers must graduate from a factory sponsored training course for the specific firearm(s) for which certification is required, and successfully meet all factory recertification requirements. Designated armorers shall be appointed by the Head of the Environmental Directorate, Head of the Natural Resources Section, or chief conservation officer to receive training and certification. Marine Corps Base Quantico, Natural Resource Environmental Affairs, Conservation Law Enforcement Section, will be the designated armorer for the standard issue sidearm (primary weapon) in the interim transition period of new firearms acquisition, until the installations have their own trained armorer in place. Small installations with only one conservation officer may choose to have MCB Quantico serve as their designated armorer.

5. Equipment Training. When the installation utilizes equipment such as watercraft, all-terrain vehicles (ATV), chainsaws, radios, batons, oleoresin capsicum spray, etc., the chief conservation officer or Head, Environmental Directorate shall ensure applicable training, instruction, certification and recertification requirements are met for such equipment. Each installation will have a directive reflecting standard operating

procedure in the proper and safe use of such equipment, to include vehicle pursuit, boat pursuit, ATV use, etc.

CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 4

FIREARMS AND AMMUNITION ISSUE, CARRY, TRANSPORT AND MAINTENANCE

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 4

FIREARMS AND AMMUNITION ISSUE, CARRY, TRANSPORT AND
MAINTENANCE REQUIREMENTS

1400. Requirements. Section 1585 of Title 10, U.S. Code, authorizes conservation officers to carry firearms. No conservation officers will be issued a firearm until he or she has completed FLETC LMPT. Conservation officers who have completed FLETC LMPT shall be issued vehicles, a radio; a cellular telephone; firearms; ammunition; and support equipment 24 hours a day, seven days per week, to meet routine surveillance, duty, and emergency response requirements. Conservation officers are authorized to have access to and use Government issued equipment, firearms, and ammunition at all times to perform duty requirements and for their safety without having a letter of authorization. A Table of Equipment (T/E) will be established for the conservation officers that includes, but is not limited to: vehicles, radios, cellular phones, and other support equipment, based on sound mission, duty, and enforcement requirements, 24 hours per day, seven days a week.

1401. Firearms Issue Directive. Firearms, ammunition, and equipment shall be issued to commissioned conservation officers from the Marine Corps Base Quantico Conservation Law Enforcement Office (CLEO). MCB Quantico CLEO is authorized to procure firearms, ammunition, and equipment through Marine Corps Combat Development Command. CMC (I&L) has designated MCB Quantico CLEO as the responsible office for the issue of the duties weapons to each individual conservation officer. The MCB Quantico CLEO shall issue firearms and ammunition directly to the conservation officer at the receiving installation, who is responsible for the use, carry, storage and reporting requirements of this NAVMC.

1. Tables of Organization and Equipment. MCB Quantico CLEO is responsible for the procurement, maintenance, tracking and issue of firearms and ammunition. A Table of Organization (T/O) and Table of Equipment (T/E) are established by this NAVMC. The T/E will establish what type of weapons and ammunition is authorized for the specific position that is authorized on the T/O.

2. Firearms and Ammunition Requirements. The firearms and ammunition requirement and allowance shall be established and published in MCO 8000.2 and Marine Corps Bulletin 8011 via coordination with applicable procedures at each Installation.

The requirement shall go to MCSC, Arms, Ammunition, and Explosives to ensure annual acquisition to the requesting unit.

3. Ammunition, Allocation, Retrieval and Expenditure Reporting. CMC (LFL) delegated MCB Quantico CLEO to be responsible for the annual ammunition allotment for the CLEP. Each installation will report requirements to the MCB Quantico CLEO. MCB Quantico will order ammunition through the Training Ammunition Management Information System Redesigned (TAMIS-R) to be picked up at the installation Ammunition Supply Point (ASP) by a designated conservation officer at the receiving installation. The Chief Conservation officer of each installation is responsible for designating an officer to pick-up ammo at the ASP and coordinate ammo transport. The Chief CLEO or the designated CFI for each installation is responsible for reporting expended rounds and qualification sheets to the MCB Quantico CLEO. Expenditures of ammunition shall be reported to the MCB Quantico CLEO within three working days after shooting, so that accurate records of ammunition balances can be maintained.

1402. Standard Issue Sidearms

1. Sidearm and Accessories. The standard issue sidearm (primary weapon) for all conservation officers shall be a Glock model 22, which is of a composite constructed (steel alloy and or polymer frames) safe action, or semi-automatic pistol of 0.40 caliber. The semi-automatic sidearm has a magazine capacity of 15 rounds with one in the chamber; a magazine release mounted on the side of the frame; no external safety, which would require manipulation prior; and no magazine disconnect that would prevent the weapon from being fired with the magazine removed. Due to environmental conditions, the firearm is made of a high corrosive resistant tenifer finish and of a composite lower receiver. Black accessory gear required to carry and transport sidearms and ammunition, such as magazine pouch, holster and belt, are considered equipment items that will be purchased by the conservation officer using funds provided by the installation.

2. Secondary Handgun. Conservation officers will have a secondary handgun available, to be issued by MCB Quantico CLEO in FY 2006. The firearm will be a Glock 27, safe action system, polymer frame, magazine capacity six rounds with one in the chamber, 0.40 caliber.

3. Shotguns and Rifles. The standard issue shotgun shall be a 12-gauge semi-automatic police type weapon with a barrel length of 18 to 21 inches, and fitted with rifle sights or optical/electronic sights. After market replacement barrels are authorized. The standard issue rifle for law enforcement

purposes shall be an M-16A2 or M-4 colt type semi-automatic in 0.223 caliber (5.56 mm). For non-law enforcement application, such as depredation and predator control, use of other weapons, and other caliber ammunition is advised and authorized through the local purchase procedure and/or through the installation contract office.

4. Ammunition. Only government issued ammunition is authorized. Only new, commercial factory, or military arsenal manufactured, center-fire rifle ammunition of full metal jacket or jacketed mushrooming or expanding design will be carried or used for law enforcement purposes. Ammunition shall be loaded with metal jacketed or semi-jacketed mushrooming or expanding bullets (hollow-points), 0.40 caliber.

a. Ball ammunition may be used for practice, but not when firing a qualification or requalification score for record, nor may it be carried for duty purposes. Conservation officers will qualify and requalify with the same or ballistically equivalent ammunition, which they normally carry on duty.

b. Shotgun ammunition utilized for conservation officer law enforcement duty purposes shall be factory manufactured 12 gauge, number 00 buck, rifled slugs, or other suitable rounds, as recommended by the training officer, and ultimately chosen by the conservation officer. Less lethal or specialty rounds needed for non-law enforcement purposes, such as wildlife damage control, are authorized to be purchased by the installation chief conservation officer, or his/her designee, and stored in the same conditions as other ammunition.

c. To ensure that all conservation officers remain proficient with their weapons, each officer shall be provided with an appropriate number of rounds to meet all requalification requirements and to practice with each weapon carried. This ammunition shall be in addition to any ammunition provided to the officer for the annual 4-hour firearms training, bi-annual re-qualification, and once every 3 years for CFIs, for each weapon used. It shall be the responsibility of the training officer to ensure that this ammunition is provided and fired on an annual basis.

1403. Standard Issue Equipment. Conservation officers shall be authorized to obtain at government expense, carry, and store the following equipment: handcuffs, flex-cuffs, leg cuffs, and body chains to control, restrain, and transport persons; chemical agent oleoresin capsicum (OC), cuff case, magazine pouch, keepers, badge wallet, pancake holster, batons, belts, and holsters required to carry and transport firearms and ammo;

storage-safe unit/container with locking mechanisms; brackets or safety rack for securing firearms inside Government vehicles; night sight, rifle sight, or optical/electronic sight; and emergency code lights for vehicles.

1404. Firearms Carry Authority. Conservation officers shall be authorized to carry firearms at all times while on duty. OPNAV Form 5512-2, Authorization to Carry Firearms, shall be issued upon receipt of a badge of commission and identification. Only Government authorized firearms and ammunition may be utilized for law enforcement purposes. The carrying of personal firearms and ammunition while on duty are prohibited from use by conservation officers. Firearms and related equipment issued to an officer upon conferral of law enforcement authority shall remain with the officer, as long as he or she retains law enforcement authority at that installation. Upon a conservation officers' relinquishment of law enforcement authority (voluntary or involuntary), all firearms and related equipment shall be returned to the chief conservation officer or training officer on base with the appropriate paper work completed. (See appendix B for transportation of firearms on commercial aircraft).

1405. Storage. Conservation officers will safely and securely store all firearms assigned to them. Government firearms that are not routinely carried shall be stored at base facilities in a vault, gun locker, or other location that is secured in such a manner as to substantially reduce the possibility of theft or unauthorized removal and that meets physical security requirements of MCO P5530.14A, Chapter 8.

1. In Vehicles. Conservation officers may carry firearms that are routinely used for law enforcement operations in duty vehicles. Government firearms carried in vehicles, except for sidearms worn in the holster, must be secured in locked boxes, trunks, or other commercial weapons case with a lock to reduce the risk of theft or unauthorized removal. Permanent and semi-permanent storage locations should meet physical security requirements of MCO P5530.14A, Chapter 8.

2. At Residences. Conservation officers are authorized to store duty weapons and ammunition at their residence per MCO 5500.6F, paragraph 12f provided appropriate security is provided for the firearms. Family members should be educated not to handle these firearms. Weapons are to be stored in a locked container or area, unloaded, actions open out of battery, with the ammunition stored separately. Conservation officers may use Government procured safe storage units with locking mechanisms to store government issued firearms and ammunition at their home. Safes

and weapons containers will be bolted or chained to a wall or floor to prevent removal.

1406. Non-Government Ammunition and Firearms. Special situations may warrant storage of non-Government issue ammunition and/or firearms (e.g., confiscated from violators on the installation). In those cases, storage is authorized on the installation in an evidence locker in the interim of final disposition.

1407. Maintenance. Each conservation officer will care for and routinely clean all issued firearms. To ensure reliability, all ammunition carried in the firearm and ammunition carriers shall be replaced semi-annually. Conservation officers shall not disassemble any Government firearm beyond the level specified during the training given for that firearm, nor may they or anyone else modify in any way the internal/external parts of any firearm. The addition of after-market grips to a duty sidearm is authorized with the approval of an authorized armorer. Only an armorer, the factory, or another certified armorer, with the approval of the training officer, may perform the addition of accessories or other modifications to Government-owned firearms used for law enforcement purposes.

1408. Inspection and Repair. Firearms shall be inspected annually by a certified armorer to ensure that they are functioning properly. Certified armorers may disassemble government firearms, as necessary, to inspect and analyze problems with the mechanical functioning of the weapon. If a firearm is found to have mechanical modifications that may pose a safety hazard or if it malfunctions or excessive wear are observed, the firearm is to be immediately removed from service until repaired or replaced. If immediate repairs are not possible, the officer shall be issued a replacement firearm of the same type until the officer's weapon is repaired. The MCB Quantico CLEO can serve as the designated armorer for the standard-issue sidearm (primary weapon) and will issue a replacement, if and when needed, to conservation officers, if an installation chooses not to have their own certified armorer. Firearms found to be unreliable or in need of excessive repair must be surveyed, and if appropriate, replaced. All repairs made to any government firearm must be documented. The chief conservation officer or CFI shall maintain records of annual firearm inspections and repairs.

1409. Loss or Theft. Immediately upon the loss or theft of any government firearm, the conservation officer shall verbally inform his or her immediate supervisor, the installation provost marshal, the Naval Criminal Investigation Service, and the pertinent local police jurisdictions. The firearm make, model number, serial number, and caliber will be provided and a memo for the record will be prepared within 48 hours.

1410. Use of Weapons by Contract Personnel. Contracts awarded for nuisance animal control or bird-aircraft strike reduction on the installation may authorize contract staff to utilize firearms. Only those weapons that are needed to meet contract objectives are to be authorized, and any weapon brought onto the installation shall meet Federal, State, and installation orders/SOP requirements, as applicable. Contract personnel must meet credentials and training requirements of their employer. This NAVMC does not apply to contract personnel.

CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 5

COMMISSION, CREDENTIALS, UNIFORM AND EQUIPMENT

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 5

COMMISSION, CREDENTIALS, UNIFORM AND EQUIPMENT

1500. Grandfather Clause. Conservation officers who were trained, qualified, and authorized to carry a firearm at their installation as of 6 Oct 2003, are considered fully qualified and have been issued credentials. Those who have not yet completed the FLETC LMPT are highly encouraged to do so. The employing installation will pay for all costs for attending the course. Grandfathered employees applying for promotion in the conservation officer field subsequent to the effective date of this NAVMC must meet all qualification requirements for the grade of the position being sought.

1501. Commission Badge and Identification Cards. Conservation Officer law enforcement badges of commission and identification cards will be centrally managed by CMC (LFL) using the following procedures:

1. Badge and Identification Card Issuance. CMC (LFL) will issue an official USFWS Law Enforcement Officer identification card to new hire conservation officers who have completed FLETC LMPT. Supervisors of qualified conservation officers shall submit a request letter for badges and USFWS Law Enforcement Officer identification card to be issued to each qualifying conservation officer at the installation. The full name, GS series, grade, date of birth, color of eyes, hair, weight, two standard passport photos 1 inch by 1 inch in size, and a copy of the FLETC LMPT certificate shall be included with the letter. CMC (LFL) shall send the badges and identification card to the installation, or present them to the conservation officer during the FLETC graduation ceremony. CMC (LFL) will keep records of all personnel, badges, and identification cards issued and returned for 5 years following employment termination of the conservation officer, per reference (b), SSIC, 12410.14. CMC (LFL) will issue three badges to each qualified conservation officer.

2. Other Federal Qualifications. Under certain circumstances CMC (LFL) may issue credentials to new hire conservation officers who have Federal law enforcement training considered equivalent or more comprehensive to that of the FLETC LMPT. In such cases, the same process in paragraph 1501.1 applies, and supervisor will submit the training certificates and evidence of qualifications that indicate the conservation officer meets the credential requirements, for CMC (LFL) consideration and final decision.

3. Receiving Credentials. Upon successful completion of the FLETC LMPT, graduates will receive their credentials at FLETC, or they will return to their base where the installation commander or his/her representative will present the USMC conservation officer badge of commission and USFWS Federal Law Enforcement Officer identification card.

4. Installation Identification Card. The installation will also issue an identification card to the conservation officer using a template provided to the installations by CMC (LFL) which is not shown in this NAVMC for security purposes. The purpose of the installation identification card is to permit conservation officers to enter restricted areas on installations that require such authorization. Although the installation identification card is written to grant authority to enforce installation regulations and applicable Federal and State laws under the Uniform Code of Military Justice (UCMJ), 10 U.S.C. 807.(b), U.S.C. Title 16, Chapter 5C, Subchapter 1, Section 670e-1, and the Assimilative Crimes Act, 18 U.S.C. § 13 and those pertaining to the nine Federal laws set forth in the USFWS/USMC MOA, the conservation officer shall carry the installation identification card and USFWS identification cards at all times when on official duty and whenever armed.

5. Conservation officers must work under the guidance of a USFWS Special Agent when prosecuting offenders for violating any of the nine Federal laws of the USFWS/USMC MOA during their first year of employment. After the first year, failure of the conservation officer to process such violations in accordance with USFWS MOA requirements may be reason to rescind the USFWS Law Enforcement Officer credentials. The conservation officer's supervisor will decide if termination of employment or reassignment to another position is appropriate.

6. Termination. Upon termination from a conservation officer position, that individual will surrender all badges and identification cards to his or her supervisor who shall return the badges to CMC (LFL) within 30 days by certified mail and return receipt.

1502. Uniform. The following instructions shall be followed with respect to conservation officer uniforms and accessory items. To standardize uniforms and reduce costs, all uniform clothing items are to be purchased through CMS Uniforms, <http://www.cmsuniforms.com>, under the Marine Corps account. Recommended uniform items from three select manufacturers and costs are identified at Appendix C, Table C-1.

1. Badge. The Marine Corps badge of commission shall be worn on the exterior of the left side of the uniform shirt. If a uniform jacket is worn, the second badge shall be worn on the exterior left side. The third badge will be concealed in a wallet or similar type leather holder for identification purposes.

2. Patch. A patch signifying conservation law enforcement officer status of the local installation shall be worn on the left shoulder of the shirt. The patch may be an existing one currently in use by base conservation officers, or may be a new one prepared for the natural resource enforcement program. Patches will be designed to represent the local or regional natural resource or outdoor programs at the installation and may be different for each installation.

3. Shirt. Shirts will be a stone color, with a collar, of a standard style for law enforcement. Shirts may be short or long sleeved and with or without pockets, depending on preference and climate needs. Installations may select a polo shirt or tee shirt to be worn while conducting fieldwork. The field shirt will depict a badge, embroidered or ink-printed, of the installation patch on the upper left hand side.

4. Pants. Pants will be a hunter green or dark brown color. Style of pants as to number of pockets, cuffs or no cuffs will depend on conservation officer staff preference. A separate set of field pants may be worn which are designed for field conditions and not suitable for professional work environments. Shorts may be worn if desired in warmer climates. Shorts will be dark, hunter green, or dark brown in color.

5. Hat. A conservation law enforcement officer hat will be worn that has the conservation logo patch on the front. The installation personnel will choose hat style or design preference.

6. Shoes, Boots, and Vehicle Insignia. Any other accessories will be chosen by preference of the conservation officers at the installation.

7. Uniform Standardization. Using the guidelines above and apparel items identified under the Marine Corps account with CMS Uniforms, the type of dress shirt, pants, field clothes, and overall uniform will be chosen by the chief conservation officer with concurrence from his or her supervisor and based on preference, climate needs, and field conditions at the installation. Once the uniform style and color are selected, all conservation officers at the installation will wear it.

8. Uniform Acquisition and Allowance. An initial uniform issue cost allowance of \$400 and an annual uniform maintenance cost of \$400, shall be given to each conservation officer and funded by the installation. A recommended initial issue uniform, list of uniform items, manufacturers, and costs is at Appendix C, Table C-2.

1503. Equipment

1. Government Vehicles. The number and type of vehicles assigned to conservation officer functions will be based on installation Table of Organization (T/O) to meet mission requirements.

2. Watercraft and All Terrain Vehicles. When standard motor vehicles are not adequate to safely support monitoring, patrolling, and enforcement duties in remote locations, conservation officers are authorized to obtain all-terrain vehicles or watercraft through the local purchase procedure and/or through the installation contract office.

3. Associated firearms black gear required, such as holsters, belts, magazine cases, and cuff cases, shall be considered authorized equipment to be purchased using installation operations and maintenance program funds. Table 5-1 summarizes authorized equipment:

Table 5-1, Authorized CLEP Equipment

FIREARM	MODEL	CALIBER
Safe action system. Polymer frame. Magazine capacity 15 rounds with 1 in chamber	Glock 22 Corrosive resistant/tenifer finish	0.40 cal
Bennelli shotgun 12 guage	Semi-automatic 18 to 21 inch barrel length	00 buck or rifled slugs
Rifle - Colt M-4 carbine or M16-A2	Semi-automatic	0.223 (5.56mm)
Safe action system, polymer frame. Small capacity secondary handgun, magazine capacity 6 rounds, with 1 in chamber	Glock 27 Corrosive resistant/tenifer finish	0.40 cal
AMMUNITION	MODEL	CALIBER
Metal jacketed or semi-jacketed expanding bullets (hollow-points)		0.40 cal
EQUIPMENT	EQUIPMENT	EQUIPMENT
Handcuffs, flex-cuffs, leg cuffs and body chains to control, restrain, and transport persons	Black nylon tactical gear with level 2 or 3 security holster and magazine pouches	Batons, belts, holsters which are required to carry and transport firearms and ammo
Storage safe unit/container with locking mechanisms	Brackets or safety rack for securing firearms inside Government vehicles	Night sight, rifle sight, or optical/electronic sight
Vehicle emergency code lights	Radios, cell phones	Chemical agent Oleoresin Capsicum (OC)

CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 6

USE OF FORCE AND PURSUIT PROCEDURES

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 6

USE OF FORCE AND PURSUIT PROCEDURES

1600. Purpose. To establish uniform policy regarding the use of force and high-speed pursuit by Marine Corps conservation officers in the performance of their official duties.

1601. Use of Force Policy

1. Conservation officers may use deadly force only when the officer reasonably believes that the officer or another individual is in imminent danger of death or serious bodily injury. Conservation officers will use only that degree of force that is legally permissible; reasonably necessary to perform their duties; and is required to protect themselves and others. The level of force used by an officer must not be excessive or unjustified. Conservation officers shall also read, understand, and follow the USFWS Use of Force and Firearms Policies when acting pursuant to the USFWS/USMC MOA. USFWS Use of Force and Firearms Policies were updated 22 Nov 2005, found in USFWS/USMC MOA, Appendix A.

2. The above policy statements are intended to provide the officer with an understanding of various force options available to them, and to assist in determining when application of a particular option or level of force would be considered legally permissible and reasonably necessary to perform their duties and to protect themselves and others.

3. For the purposes of this paragraph and Chapter 6 of this NAVMC, the term conservation law enforcement officer shall mean any Marine Corps employee authorized to carry and utilize firearms in the performance of their official natural resources or conservation law enforcement duties.

1602. Definitions. The following terms and definitions are to be used in the practical application of the use of force:

1. Force. Force is the physical presence, action, or exercise of strength to compel another to act or refrain from certain behavior. It may include physical touching of another, strikes, kicks, chemical agents and other intermediate force weapons, restraints, and/or firearms.

2. Non-Lethal Force. Force used to control a suspect or prisoner, or other person when justified that does not normally result in serious injury or death. This usually includes physical touching of a suspect, and may be in the form of control techniques, Oleoresin Capsicum, batons, or restraining devices.

3. Deadly Force. The force that is intended or likely to cause death or serious bodily harm. Most often, deadly force involves the use of a firearm aimed at a suspect. Deadly force actually encompasses any means or instrumentality which may inflict death or serious bodily injury.

4. Degree of Force. Conservation officers shall only use that degree of force that is legally permissible, reasonably necessary to perform their duties, and is required to protect themselves and others. The degree of force applied by the conservation depends on the circumstances and facts of a particular incident, and is governed by the following conditions:

a. the degree of resistance or force threatened or exhibited by the suspect(s), including the suspect's possession/nonpossession of a deadly weapon; and

b. the conservation officer's perception of that resistance, including the jeopardy of death or serious bodily harm to the officer or others implied by the suspect.

5. Unjustified or Excessive Use of Force. Force without justification or excuse; or the application of force clearly beyond that called for, given the suspect's level of resistance.

1603. Levels of Control or Force. The levels of control or force utilized by conservation officers to overcome a suspect's/individual's resistance are categorized as follows: officer's presence; verbal direction; soft, empty hand control; hard, empty hand control; chemical agents (Oleoresin capsicum); impact weapons; and deadly force. A conservation officer confronted with a situation warranting deadly force need not initially attempt self-defense via lesser degrees of force; the conservation officer may immediately use deadly force. If a suspect points a firearm or other deadly weapon at a conservation officer, he or she may draw their own firearm and shoot to kill the suspect; the conservation officer need not first attempt, for example, to subdue the subject with chemical agents.

1604. Restraining Equipment. Conservation officers may routinely use handcuffs, flexcuffs, leg cuffs, and body chains to justifiably control, restrain, and transport persons.

Restraining devices shall be applied properly and in accordance with the training received to minimize the risk of unnecessary injury.

1605. Chemical Agents

1. Oleoresin Capsicum (OC). The only approved chemical agent that may be used by conservation officers is OC. The Marine Corps recognizes OC as a less than lethal force alternative that can be used to defend against and to control actively resistant or violent offenders or individuals. Based on the conservation officer's reasonable perception that OC is necessary to avoid a physical confrontation, OC may be used prior to hard, empty hand control techniques, impact weapons, or deadly force.

2. Only those conservation officers that have successfully completed approved training in the use of OC are authorized to carry and use OC. All conservation officers who participate in this training will be exposed (sprayed) with an issue canister of OC. Officers successfully completing the training program will only carry Government-owned and issued OC while on duty.

1606. Impact Weapons. Conservation officers who have successfully completed the required training are authorized to use a baton (either straight or collapsible). Conservation officers may only use this weapon when the offender is exhibiting physically aggressive resistance that puts the officer at risk of bodily harm. Batons may only be used consistent with the baton training received.

1607. Deadly Force. The following deadly force policy, adopted from the USFWS, will apply to all conservation officers. Conservation officers may only discharge their firearms directly at another person, or direct at another person any other means likely to inflict death, when the conservation officer reasonably believes that they or another person is in imminent danger of death or serious bodily injury.

1608. Warning shots. Warning shots are prohibited, as they can pose a hazard to innocent persons.

1609. Use of Force and Board of Review. Refer to appendix D.

1610. High Speed Vehicle Pursuit Policy. When conditions and incidents drive the need for a high-speed pursuit policy and procedures, conservation officers shall develop a standard operating procedure (SOP) with consideration of conditions in the high-speed pursuit policy in MCO P5580.2A, and in accordance with the following guidelines.

1. High speed vehicle pursuits aboard installations should be avoided due to the potential danger to military police, bystanders and suspects. On occasion, conservation officers must engage in high speed or hot pursuits in remote areas when the suspect exhibits an intention to avoid apprehension by refusing to stop when properly directed to do so.

2. Upon engagement in pursuit, the pursuing officer shall notify PMO communications, and advise of the direction of travel, speed, description of the pursued vehicle, whether the suspect is armed, and the offense for which the suspect was being pursued and stopped. When working with other Federal or State agencies, communications procedures shall be developed to ensure they are notified as well.

3. Additional pursuit procedures, crossing jurisdictions, tire deflation devices, and termination of the pursuit, shall be developed as dictated by local installation requirements and adopted into an SOP and approved by the installation commander or his representative.

1611. Fleeing Suspects. A conservation officer may not use deadly force to stop a fleeing suspect who is unarmed and who presents no immediate threat of harm to the conservation officer or to another person. A conservation officer may use deadly force to stop a suspect (1) who presents a threat of death or serious bodily harm to the conservation officer or to another person or (2) if the conservation officer has probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm.

CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 7

CIVILIAN GENERAL SERVICE REQUIREMENTS

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CONSERVATION LAW ENFORCEMENT PROGRAM

CHAPTER 7

CIVILIAN GENERAL SERVICE REQUIREMENTS

1700. Requirements. Conservation officers shall be employed under guidelines and criteria established by the Office of Personnel Management (OPM), General Schedule (GS) GS-1800, GS-0400 or GS-0025 Park Ranger series. Installation environmental directorates, working with the Human Resources Officer, will determine which series is appropriate for base conservation officers. OPM identifies these series as follows:

1. GS-1800 Investigation Group includes all classes of positions the duties of which are to advise on, administer, supervise, or perform investigation, inspection, or enforcement work primarily concerned with alleged or suspected offenses against the laws of the United States, or such work primarily concerned with determining compliance with laws and regulations.

2. GS-0400 Biological Sciences Group includes all classes of positions the duties of which are to advise on, administer, supervise, or perform research or other professional and scientific work or subordinate technical work in any of the fields of science concerned with living organisms, their distribution, characteristics, life processes, and adaptations and relations to the environment; the soil, its properties and distribution, and the living organisms growing in or on the soil; and the management, conservation, or utilization thereof for particular purposes or uses. Law enforcement duties as applicable would be included in the position description.

3. The GS-0025 Park Ranger Series covers duties of which are to supervise, manage, and/or perform work in the conservation and use of Federal park resources, and can be used for military lands. Duties characteristically include assignments such as: forest and structural fire control; protection of property from natural or visitor related depredation; dissemination to visitors of general, historical, or scientific information; control or traffic and visitor use of facilities; enforcement of laws and regulations; investigation of violations, complaints, trespass/encroachment, and accidents; search and rescue missions; and management activities related to resources such as wildlife, lakeshores, seashores, forests, historic buildings, battlefields, archeological properties, and recreation areas.

4. The GS-1812 series is found to be the best rounded to meet duties and responsibilities or conservation law enforcement

officers. The GS-1812 Game Law Enforcement Series covers positions in which the duties are to administer, coordinate, supervise, or perform inspectional, investigative, or advisory work to assure public understanding of compliance with Federal statutes and regulations for the conservation of fish and wildlife resources; in obtaining information on the general condition of such resources; and in the conduct of operations for the abatement of damage to agricultural crops caused by unusual concentrations of wildlife.

5. Installation conservation officers are eligible to receive availability pay, premium pay, Law Enforcement Officer Retirement benefits, Civil Service Retirement System (CSRS) or Federal Employee Retirement System (FERS) benefits, if job duties and responsibilities meet the criteria of these compensatory programs. Supervisory staff, in collaboration with local or regional Human Resource Officers and Comptrollers, will need to ensure subordinate position descriptions are written accordingly to authorize receipt of applicable benefits.

6. Conservation officer entry-level positions shall be no lower than a GS-9. Personnel retention demands a minimum GS-9 grade level to preclude excessive training costs. Supervisors of Conservation officers currently serving at the GS-07 level, with at least one-year time in grade, shall assign additional duties and responsibilities to meet classification at the GS-09 level. Installations shall conduct an audit of all conservation law enforcement personnel to insure appropriate classification. Conservation officers below the GS-9 grade will not be issued credentials from CMC (LFL). Seasonal or part-time GS-9 positions are acceptable if they have successfully completed the FLETC LMPT or substitute law enforcement training course specifically designed for seasonal employees at an institution that has been approved by the CMC LFL.

7. Position descriptions shall be written by the supervisor of the conservation officer to meet enforcement and investigation needs, to include natural and cultural resource management and project implementation duties specific to the installation.

8. Further information on job series criteria can be found on the OPM web site at {HYPERLINK <http://www.opm.gov>}.

CONSERVATION LAW ENFORCEMENT PROGRAM

APPENDIX A

MARINE CORPS AND U.S. FISH AND WILDLIFE SERVICE MEMORANDUM OF
AGREEMENT



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20386-1776

IN REPLY REFER TO
5090
LPL/1

21 MAY 2003

Kevin Adams, Chief,
Office of Law Enforcement
U.S. Fish and Wildlife Service
MS-108 3000
4401 N. Fairfax Drive
Arlington, VA 22203

Dear Mr. Adams:

Attached is a Memorandum of Agreement for cooperative law enforcement for the protection and conservation of fish, wildlife, archaeological, and natural resources on lands controlled by the Marine Corps. Please sign, keep a copy for your files, and return the original to my office.

I am pleased to enter into this cooperative agreement as the mutual benefits to be gained will allow us to better fulfill our resource protection obligations, while providing enhanced stewardship of the public lands entrusted to the Marine Corps.

Ms. Heidi Hirsh of my staff is available to answer any questions you may have regarding this matter. She may be reached at 703-695-8240.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. S. Coleman".

R. S. COLEMAN
Brigadier General, U.S. Marine Corps
Assistant Deputy Commandant
Installations and Logistics (Facilities)

13 FEB 2007

CONSERVATION LAW ENFORCEMENT PROGRAM

APPENDIX A

MARINE CORPS AND U.S. FISH AND WILDLIFE SERVICE MEMORANDUM OF
AGREEMENT**MEMORANDUM OF AGREEMENT**
for
Cooperative Law Enforcement
between the
U.S. Fish and Wildlife Service
and the
U.S. Marine Corps

This Memorandum of Agreement (MOA) is a cooperative agreement entered into under authority of the Fish and Wildlife Revenue Enhancement Act of 1998 (16 U.S.C. Section 7421(b)) between the U.S. Fish and Wildlife Service, hereinafter "Service" or "Chief, Office of Law Enforcement," and the U.S. Marine Corps, hereinafter "USMC." This cooperative agreement shall serve as a master agreement for all USMC installations and U.S. Fish and Wildlife Service law enforcement offices.

Individual installation cooperative agreements may be negotiated and signed by the appropriate Service and USMC representatives. However, individual agreements are not mandatory. Individual agreements that have been signed and are presently in effect shall be updated to reflect the requirements of this Agreement. Individual agreements must comply with this MOA.

Whereas, the Congress of the United States has found that the protection and conservation of fish, wildlife, and other natural and cultural resources is in the best interest of the public and has enacted various laws to provide for protection and conservation of wildlife and native plants.

Whereas, the United States Congress has given the Secretary of the Interior the authority to enforce certain laws dealing with the protection and conservation of fish, wildlife, and other natural resources and this authority has been delegated to the Director of the Service and to certain qualified individuals.

Whereas, the Service and the USMC recognize that mutual benefits will accrue to the law enforcement efforts of each by entering into a Memorandum of Agreement to share law enforcement expertise, training, intelligence information, equipment, and other facilities, and to designate law enforcement officers to efficiently enforce all laws administered by the Service and USMC relating to fish, wildlife, and other natural and cultural resources.

Whereas, the Service has determined that it is necessary and appropriate to utilize certain persons, services, and facilities of the USMC to assist in providing effective enforcement of Federal conservation laws on the lands and waters under USMC jurisdiction.

13 FEB 2007

CONSERVATION LAW ENFORCEMENT PROGRAM

APPENDIX A

MARINE CORPS AND U.S. FISH AND WILDLIFE SERVICE MEMORANDUM OF
AGREEMENT

Whereas, the USMC has determined that it is necessary and appropriate to utilize certain persons, services, and facilities of the Service to assist in providing effective enforcement of Federal conservation laws on the lands and waters under USMC jurisdiction.

Therefore, the parties agree that:

A. Re-Delegation of Federal Authority

(1) Under the authority provided by 16 U.S.C. § 742l(b), the Chief, Office of Law Enforcement, hereby delegates to the USMC and those certain persons designated in accordance with the terms specified herein ("USMC Conservation Law Enforcement Officers") the authority to enforce the following Federal laws dealing with the protection and conservation of fish, wildlife, and natural and cultural resources of the United States and regulations issued pursuant thereto within any limitations prescribed by regulations of the Department of Defense:

Lacey Act and Lacey Act Amendments of 1981 (18 U.S.C. 42, 16 U.S.C. 3371-3378)

Migratory Bird Treaty Act (16 U.S.C. 703-712)

Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-ll)

Endangered Species Act of 1973 (16 U.S.C. 1531-1544)

Marine Mammal Protection Act (16 U.S.C. 1361-1384, 1401- 1407)

Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718-718k)

Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d)

Airborne Hunting Act (16 U.S.C. 742j-1)

National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd-668ee)

This Agreement does not delegate authority to enforce the import and/or export provisions of the statutes above unless the designee is under the direct supervision of a Service special agent.

(2) The Chief, Office of Law Enforcement specifically delegates to the USMC and the USMC Conservation Law Enforcement Officers the same authority to search, seize, arrest, and exercise other law enforcement functions under the laws specified in paragraph A(1) of this Agreement, as if the USMC and the USMC Conservation Law Enforcement Officers were employed by the Department of the Interior and authorized by the Secretary of the Interior to enforce those laws.

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(3) This Agreement between the Service and the USMC may not be used to re-delegate Federal law enforcement authority to any person convicted of a misdemeanor crime of domestic violence or otherwise prohibited from possessing firearms, within the meaning of 18 U.S.C. § 922(g).

B. Designation of Federal Authority by USMC of USMC Conservation Law Enforcement Officers

(1) The USMC, through the Installation Commanding General, may designate individuals to exercise the authority to enforce the conservation laws and regulations of the United States as specified above. This designation may only be to a person who meets criteria (a) or (b) and (c) and (d):

(a) Is presently employed and has been for at least one (1) year as a conservation law enforcement officer at a USMC installation and is trained, qualified, and authorized to carry a firearm and who is assigned conservation law enforcement duties at the installation; or

(b) Completed the Natural Resource Police Training Program, the former Land Management Police Training Program, or the Criminal Investigator Training Program, at the Federal Law Enforcement Training Center (FLETC), and completes a one (1) year probationary period; and who

(c) Is proficient in the use of firearms as demonstrated by meeting the firearms qualification and re-qualification standards required of the USMC installation, complies with the USMC Conservation Law Enforcement Program, and agrees to read, understand, and follow the Service Use of Force and Firearms policies when acting under this Agreement. These policies are attached and will be transmitted to all officers so delegated under this Agreement; and

(d) Has not been convicted of a misdemeanor crime of domestic violence or is not otherwise prohibited from possessing firearms, within the meaning of 18 U.S.C. § 922(g).

(2) The USMC shall notify the Service of the full name, address, date of birth, and social security number of each designee. This designation shall become effective upon the filing of such information with the Service's designated representative. The USMC shall issue an identification card to each designee, along with a copy of this Agreement and the Service Use of Force and Firearms policies.

If at any time, any person designated to exercise authority under this Agreement fails to meet any of the criteria set forth in paragraph B(1) above, terminates DOD employment, or is reassigned to non-law enforcement duties, the USMC shall terminate the designation

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when the USMC becomes aware of these circumstances. The USMC will collect that person's identification card and immediately notify the Service.

Information about the addition of designated officers should be provided to the Service within 30 days. The USMC will provide a complete up-to-date list of persons holding authority under this Agreement to the Service by January 15 of each year.

(3) Designated USMC Conservation Law Enforcement Officers may exercise authority to enforce the conservation laws and regulations specified in paragraph A(1) on USMC installations and lands or waters adjacent to installations under exigent circumstances, such as to arrest or detain individuals who are suspected of committing unlawful actions on the USMC installation and then flee. They may exercise this authority anywhere within the jurisdiction of the United States when under the direct supervision of a Service special agent.

(4) The Service may, by written notice to the USMC, terminate any designation made by the USMC.

(5) The USMC shall continue to provide, as appropriate, workmen's compensation in accordance with laws and regulations applicable to USMC civilian employees for work-related injuries incurred by USMC Conservation Law Enforcement Officers while performing duties under this Agreement. Designated individuals may also be considered eligible for compensation under subchapter III of chapter 81 of Title 5, United States Code when activities are initiated and approved by the Service.

(6) While performing duties under this Agreement, USMC Conservation Law Enforcement Officers shall:

(a) Be considered investigative or law enforcement officers of the Department of the Interior for the purposes of the tort claim provisions of Title 28, United States Code and 5 U.S.C. 8401(17); and

(b) Be considered officers or employees of the United States within the meaning of section 111 and 1114 of Title 18, United States Code.

C. Procedures for Investigating Federal Offenses

The following procedures shall govern investigations or prosecutions of Federal offenses made under this Agreement:

(1) The USMC installation will refer appropriate violations of Federal law or regulation to the Service's designated representative as expeditiously as possible.

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(2) The USMC installation shall submit in a timely manner, copies of all investigative reports to the Service's designee on law enforcement activities conducted under authority of this Agreement.

(3) All potential investigations that may result in a felony prosecution will be coordinated with the Service. All potential investigations against any person who may claim Native American treaty rights must be coordinated with the Service.

(4) Each USMC installation shall coordinate with the local Service law enforcement office to establish protocol and liaison with regard to all Federal prosecutions relating to violations of Federal laws and regulations specified in A(1), occurring on USMC installations.

D. Coordination

(1) The Service designee and the USMC representatives shall meet periodically and when necessary for the following purposes:

(a) Identifying enforcement problems in areas of concurrent jurisdiction that may require joint enforcement operations or investigations;

(b) Identifying enforcement problems that may require covert investigation;

(c) Identifying the need for specialized law enforcement equipment;

(d) Discussing new techniques and methods for the detection and apprehension of violators of conservation laws and the exchange of law enforcement information in general;

(e) Reviewing training programs and identifying the need for additional instruction in Federal laws, policies, interpretations, and other appropriate subjects; and

(f) Establishing procedures for the care, handling, identification, and storage of evidence and/or seized property.

E. Actions to be Taken by the Parties

(1) The Service will provide to the USMC, subject to available resources and manpower, copies of Federal laws and regulations and pertinent Service policy and interpretations and the assistance of special agents and equipment for specific enforcement operations.

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(2) The USMC will provide to the Service, subject to available resources and manpower, copies of regulations applicable to USMC installations and pertinent policy and interpretations and assistance by USMC Conservation Law Enforcement Officers and use of equipment for specific enforcement operations that occur on the USMC installations.


F. Terms, Amendment, Effective Date, and Termination

(1) This Agreement shall become effective upon the date last signed and executed by the duly authorized representatives of the parties and shall remain in full force and effect until terminated in writing by either party. Representatives of the USMC and Service will review the Agreement at least every ten (10) years. The Agreement may be terminated, without cause, by either party upon thirty (30) days written notice.

(2) The Agreement may be revised or amended by consent of the parties, but such revisions or amendments shall not be effective until produced in writing and signed by both parties. Local agreements made under this master agreement cannot eliminate a requirement set by this Agreement.

(3) Before delegating authority under this Agreement, the USMC will provide the Chief, Office of Law Enforcement a roster of Marine Corp Conservation Law Enforcement Officers and installations that will be authorized to enforce the laws specified in paragraph A(1) under this Agreement. The Chief, Office of Law Enforcement will forward this information to his/her designee.


R.S. COLEMAN
Brigadier General
U.S. Marine Corps
Assistant Deputy Commandant
Installations & Logistics


KEVIN R. ADAMS
Chief, Office of Law Enforcement
U.S. Fish and Wildlife Service

Date: 21 MAY 2003

Date: 6-5-03

Attachments

U.S. Fish and Wildlife Service Use of Force Policy
U.S. Fish and Wildlife Service Firearms Policy
U.S. Fish and Wildlife Service Regional Law Enforcement Office Contact Information

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1.1 Purpose. This chapter establishes Service policy concerning firearms issued, carried, and/or used by Service law enforcement officers in the performance of their official law enforcement duties.

1.2 Scope.

A. This chapter applies to all Service Law Enforcement Officers. The term law enforcement officer includes Special Agents, Refuge Officers including both full-time and collateral duty officers, and other Service employees that have been granted Service law enforcement authority and who have met the requirements of this chapter and other applicable Service requirements.

B. Nothing in this chapter shall preclude the use of, nor govern the use of firearms in the performance of non-law enforcement activities by Service employees. Non-law enforcement activities in which a firearm may be used include dispatching of injured animals, self-defense against wildlife, predator or stray animal control, covert hunting situations, or similar situations that do not involve the use of a firearm as a force option against a person or persons.

1.3 Policy and Authority.

A. Policy. All Service law enforcement officers shall be properly trained in the use of firearms and equipped with firearms appropriate for the law enforcement duties performed, and unless restricted by the authorities section of this part, shall carry firearms in the performance of their official duties.

B. Authority. Service law enforcement officers are authorized to carry and use firearms as follows:

(1) Service law enforcement officers are authorized to carry and use firearms in the performance of their official law enforcement duties by virtue of the power to arrest contained in the statutes enforced, and as expressly authorized under the Lacey Act Amendments of 1981 [16 USC 3375(b)].

(2) Wildlife inspectors are not authorized to carry firearms in the performance of their official duties unless specifically authorized. Such authorization must have the concurrence of the Chief, Division of Law Enforcement.

(3) Notwithstanding the authority granted by statute, only those law enforcement officers who meet the training standards established by the Service are authorized to carry or utilize firearms in the performance of their official duties.

1.4 Responsibilities.

A. Regional Directors will ensure compliance with all provisions of this chapter. The Regional Director is assisted by the Assistant Regional Director (ARD) for Law Enforcement who is also referred to as the Special Agent in Charge, and the ARD for Refuges and Wildlife. Responsibilities specific to the ARDs are identified throughout the chapter.

B. The Assistant Director - Refuges and Wildlife is responsible for development and maintenance of the Service policy and procedure governing the use of firearms. The Assistant Director is assisted by the Chief, Division of Law Enforcement and the Special Agent in Charge, Branch of Training and Inspection. The Assistant Director is also authorized to develop and issue a Firearms Instructor Handbook. See paragraph 1.10.

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1.5 Authorized Firearms and Ammunition. Only Service issued weapons may be utilized for law enforcement purposes. The carrying of personal weapons for official law enforcement purposes is prohibited. Firearms and related equipment issued to a Service law enforcement officer upon conferral of law enforcement authority shall remain with the law enforcement officer upon transfer or reassignment as long as he or she retains law enforcement authority. Upon separation from the Service or relinquishment of law enforcement authority, all firearms and related equipment will be returned to the Branch of Training and Inspection, Division of Law Enforcement.

A. Service Sidearms.

(1) The standard issue sidearm for all Service law enforcement officers shall be a stainless steel, six (6) shot, double action revolver with a barrel length of two and one half (2) to four (4) inches inclusive, in .357 magnum caliber; or a double action semi-automatic pistol in .45 ACP, .40 Smith and Wesson, .357 Sig, 9mm parabellum calibers, or other calibers that fire a .355 inch diameter or larger bullet and have been authorized by the Division of Law Enforcement. The action in the semi-automatic pistol may be in either of two configurations: (1) double action only in which all trigger pulls are in the double action mode, or (2) mixed double and single action in which the first shot is double action and subsequent shots are single action. The semi-automatic sidearm will have a magazine capacity of at least seven rounds, a magazine release mounted on the side of the frame, an external hammer with a hammer drop lever/decocking lever for the double/single action design, a firing pin safety lock which will allow it be carried safely with a round in the chamber, no external safety which would require manipulation prior to firing in the double action mode, and no magazine disconnect which would prevent the weapon from being fired with the magazine removed.

(2) Operation requirements, such as covert investigations and other special assignments or conditions, may necessitate carrying an alternate sidearm other than the standard issue pistol or revolver. Any double action, semi-automatic pistol or steel frame revolver of at least .38 Special or .380 (9mm KURZ) with a capacity of at least five cartridges owned by the Service may be issued and carried for special law enforcement purposes when authorized by the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife. When such authority is granted, the law enforcement officer is required to qualify or re-qualify with the alternate sidearm under the same standards applicable to the standard issue handgun.

(3) Service law enforcement officers are authorized to carry a second, concealed back-up sidearm for safety purposes. The back-up sidearm must meet the standards set in either paragraphs (1) and (2) above, and the law enforcement officer must successfully meet the qualification/re-qualification standards established by the Service for back-up sidearms.

B. Shotguns and Rifles.

(1) The standard issue shotgun shall be a 12 gauge pump or semi-automatic police type weapon with a barrel length of eighteen to twenty-one inches, and fitted with rifle sights or optical/electronic sights.

(2) The standard issue rifle for law enforcement purposes shall be a bolt action or semi-automatic in .223 (5.56) or .30 caliber. Approval from the ARD for Law Enforcement/Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife shall be required if non-standard rifles are to be issued and used for law enforcement purposes.

C. Select Fire Weapons. The carrying and use of select fire (fully-automatic) weapons by Service law enforcement officers is not authorized.

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D. Ammunition.

(1) Except for training purposes, only factory manufactured new (as opposed to remanufactured) ammunition may be acquired and carried for use in sidearms used for law enforcement purposes. This ammunition shall be loaded with full metal jacketed or semi-jacketed controlled expansion bullets. Information on suitable, caliber specific, duty ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(2) Target ammunition, reloads, or cartridges loaded with wadcutter bullets may be used for practice, but not when firing a qualification or re-qualification score for record, nor may they be carried for duty purposes. Law enforcement officers will qualify and re-qualify with the same or ballistically equivalent ammunition which normally carried on duty.

(3) Shotgun ammunition utilized for duty purposes shall be factory manufactured 12 gauge, number 00 buck or rifled slugs, or other suitable rounds as recommended by the Branch of Training and Inspection, Division of Law Enforcement.

(4) Only new, commercial factory, or military arsenal manufactured, center-fire rifle ammunition of full metal jacket or jacketed controlled expansion design will be carried or used for law enforcement purposes. For training purposes only, commercially manufactured reloads, of similar bullet design, may be substituted for duty ammunition. Specific recommendations on ammunition may be obtained from the Branch of Training and Inspection, Division of Law Enforcement.

(5) To ensure that all law enforcement officers remain proficient with their weapons, each officer shall be provided with an appropriate number of rounds to meet all re-qualification requirements and to practice with each weapon authorized to be carry. This ammunition shall be in addition to any ammunition provided to the officer for the annual 40 hour in-service training. It shall be the responsibility of the ARD for Law Enforcement/Special Agent in Charge or Assistant Director for Refuges and Wildlife to ensure that this ammunition is provided and fired on an annual basis.

1.6 Carrying and Transporting Firearms. Only Service law enforcement officers who qualify and re-qualify in accordance with this part are authorized to carry firearms for law enforcement purposes.

A. When To Carry. Special Agents and other full-time law enforcement officers are subject to call any time and, therefore, are authorized to carry firearms at all times. Other Service law enforcement officers shall carry firearms when engaged in law enforcement duties, reasonably expected to be engaged in law enforcement duties, or if specifically authorized under specific circumstances. Such specific authorization must be in writing, and signed by the officer's Project Leader or higher level management.

B. Foreign Countries. Service law enforcement officers are not authorized to possess firearms while engaged in law enforcement duties in foreign countries. However, certain conditions might arise that would necessitate that firearms be carried. If a Service law enforcement officer is cognizant of the fact that such a situation might arise, he or she must obtain written permission from the legal authority in the respective host country and from the U.S. State Department. Furthermore, the Chief, Division of Law Enforcement, must concur with this request.

C. Commercial Aircraft. Public Law 87-197, 49 USC 1472(1), provides criminal penalties for the carrying of a firearm aboard a commercial aircraft. The statute specifically states that this prohibition does not apply to agents of the Federal government who are authorized or required within their official capacities to carry firearms. Pursuant to this statute, the Department of Transportation has issued regulations regarding

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carrying firearms on commercial air carriers. These regulations (as contained in 14 CFR 108) require Federal agents meet the following conditions when it is necessary for the firearm to be carried while aboard any commercial aircraft:

(1) The Service law enforcement officer shall notify the airline at least one hour prior to departure (or in the case of an emergency, as soon as practicable) that he or she is a Federal agent who has a need to travel armed. Among other things, this allows the carrier to comply with its regulatory requirements to notify crew members and other law enforcement personnel of the presence and location of each armed person aboard the aircraft.

(2) Armed Service law enforcement officers must identify themselves by displaying their credentials to the appropriate airline and security personnel before carrying a firearm on a commercial aircraft.

(3) The armed Service officer **shall not** consume alcoholic beverages while on board the aircraft, or eight hours before the flight.

(4) In order not to cause undue alarm to any passenger or have the firearm become a target of opportunity for any person, the Service law enforcement officer will exercise the utmost discretion to ensure that the firearm is not observable while in flight status.

(5) When traveling by air on official law enforcement business, Service law enforcement officers shall determine whether the immediate requirements of the particular mission make it necessary for a firearm to be carried on their person.

(6) No firearm shall be carried aboard a commercial aircraft by a Service law enforcement officer when traveling on personal business. However, firearms may be placed in checked baggage in accordance with Paragraph (9) below.

(7) Whenever a firearm is to be carried aboard an aircraft, the Service law enforcement officer shall adhere to all of the above procedures. It should be noted that despite the fact that the Service law enforcement officer feels that the scope of the enforcement mission requires that he/she carry a firearm on board an aircraft, airlines are not required to transport armed law enforcement officers and may deny boarding to the armed officer.

(8) Except as required when checking baggage with the airlines, Service law enforcement officers will not surrender any firearm to airline personnel in order to obtain a boarding pass from the airline.

(9) When in the judgement of the Service law enforcement officer the immediate requirements of a particular law enforcement mission do not warrant the carrying of a firearm aboard the aircraft, the firearm may be placed in checked baggage in accordance with the following requirements:

(a) The Service law enforcement officer must ensure that the firearm is **unloaded**, secured within hard-sided luggage, or placed in a hard-sided container within soft-sided luggage; and placed in luggage to which only the officer transporting the firearm retains the key or combination to the lock.

(b) The Service law enforcement officer must advise the airline that the above procedures have been followed, and if requested, allow airline personnel to inspect the weapon at the ticket counter when the luggage is checked.

(c) The Service law enforcement officer shall ensure that the "firearms" tag is placed inside the shipping

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container (luggage), and not affixed to the outside.

(10) Under no circumstances will a Service law enforcement officer carry OC-10, Cap-Stun, other pressurized Oleoresin capsicum agents, mace, tear gas, chemical agents, or other gaseous products in a pressurized container on board an aircraft, or place such items in their checked baggage or luggage.

1.7 Initial Firearms Training.**A. Service Sidearms.**

(1) **Permanent Personnel.** Initial training in the use of an approved Service sidearm shall be accomplished by the law enforcement officer-trainee's successful completion of the Basic Criminal Investigators School (CI), or the Basic Law Enforcement Course for Land Management Agencies (LM) as administered by the Federal Law Enforcement Training Center (FLETC). All law enforcement officer-trainees must fire a minimum score of 80 percent or better on the course of fire utilized for qualification purposes during this basic training. In addition, when firearms training is incorporated into either the Special Agent Basic (SABS) or the Refuge Officer Basic (ROBS); all Service officer-trainees attending must successfully complete this training by firing a minimum score of 80 percent on all qualification courses fired for record. The inability of a Service law enforcement officer-trainee to qualify at the 80 percent or better level will result in his/her failure to successfully complete this required basic training.

(2) **Seasonal Personnel.** In order to meet basic training requirements for carrying Service sidearms, seasonal law enforcement officers must successfully complete 1) a law enforcement training course approved through the National Park Service Training Program for Seasonal Employees, or 2) a law enforcement training course approved by the Department of the Interior and the Service as a substitute to the Basic Law Enforcement Course for Land Management Agencies. Any waivers to 1) or 2) above must be approved by the Chief, Division of Law Enforcement. When recency of training exceeds three years, seasonal employees may retain law enforcement authority, and may continue to be authorized to carry Service firearms only if they have been actively involved in law enforcement since their initial training, and have re-qualified every six months or prior to resuming their seasonal duties.

(3) Sidearm Specific Training.

(a) The initial training referred to in paragraphs (1) and (2) above must be specific to the type of sidearm (i.e. revolver vs semi-automatic pistol) that the Service law enforcement officer will be issued upon conferral of authority. If a different type of sidearm was used during initial training, the Service law enforcement officer must successfully complete the appropriate transitional firearms program for the weapon he or she will be issued. The appropriate transitional firearms program shall be specified by the Branch of Training and Inspection.

(b) The appropriate transitional firearms training must be completed prior to the Service law enforcement officer being issued a Service approved sidearm of a different type than the one used during initial training. After receiving transitional training, the officer must be issued an appropriate weapon within ninety (90) days. If the sidearm cannot be issued within this ninety (90) day time frame, a refresher training course authorized by the Branch of Training and Inspection will have to be completed.

B. Service Shotguns. Initial training in the use of an approved Service shotgun shall be accomplished by the Service law enforcement officer-trainee's successful completion of the CI Program, or the LM Program as administered by FLETC. If this initial training has not been received by the law enforcement officer, the office must demonstrate proficiency with the shotgun by qualifying in accordance with paragraph D below

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prior to being issued this weapon.

C. Service Rifles. Service law enforcement officers are authorized to carry approved rifles for law enforcement purposes only when they have successfully completed the required rifle training specified by the Branch of Training and Inspection.

1.8. Firearms Qualification and Requalification

A. Qualification. Initial qualification by all Service law enforcement officer-trainees is accomplished by firing a minimum score of 80 percent or better during the CI Program, the LM Program, the appropriate seasonal program as described in paragraph A(2) above or the appropriate transitional program as described in 1.7A(3)(a) above.

B. Requalification. After initial qualification, all Service law enforcement officers shall receive a minimum of four (4) hours of firearms training annually. In addition, every law enforcement officer must requalify every six (6) months, with each Service weapon they wish to carry. Re-qualification shall be accomplished by firing for record the required score of at least 80 percent on an authorized course of fire for each Service weapon which will be carried for law enforcement purposes. Law enforcement officers will also receive refresher or additional training in weapon handling, tactics, and other firearms skills necessary to effectively use their issued weapons.

(2) All Service law enforcement officers must fire an authorized reduced-light course annually with their primary sidearm.

C. Scores. All scores fired for record during initial qualification and re-qualification must be fired under the supervision of a certified range officer or certified firearms instructor.

D. Records. All firearms records shall be maintained on Form 3-2085, Firearm Training Record, Exhibit 1 and forwarded to the ARD for Law Enforcement/Special Agent in Charge or designee and shall constitute the official record. For refuge law enforcement officers, the official record shall be forwarded to the Regional Refuge Law Enforcement Coordinator or designee. This official record shall only indicate that the Service law enforcement officer passed or failed the qualification or re-qualification standard. These records must be maintained for not less than five (5) years. The records shall indicate the date of firing, time of day, weather conditions, course of fire, number of rounds, ammunition type, weapon used and range location. In addition, the records shall identify the certified range officer or certified firearms instructor under whose supervision the firing occurred, and note any specialized instructions given to individual shooters.

E. Targets. All scores fired for record shall be fired on approved targets. Approved targets are specified for each course of fire. The firing of a score for record on any target not specified in each course of fire shall require the prior approval of Branch of Training and Inspection, and shall be noted on the Firearms Training Record.

F. Authorized Courses of Fire.

(1) Except as noted below, only the courses of fire approved and maintained by the Branch of Training and Inspection may be used by Service law enforcement officers for re-qualification purposes.

(2) Other Courses of Fire. If under unusual circumstances a law enforcement officer is unable to fire an approved course of fire specified in this chapter due to a remote duty station location, no appropriate firing

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range facilities, or other limiting factor; the officer may re-qualify on any approved practical police course used by any police agency in the surrounding area. Service law enforcement officers using an alternate course of fire, however, shall obtain prior approval from their ARD or designee. All the other requirements in this chapter shall remain the same.

1.9 Certified Firearms Instructors.

A. Within each region the ARD for Law Enforcement/Special Agent in Charge and ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Service Designated Firearms Instructors (SDFI). To serve as a SDFI an employee must have graduated from a basic Firearms Instructor Training Course at the Federal Law Enforcement Training Center or an equivalent course of instructor approved by the Branch of Training and Inspection. The employee must also have served as a primary or assistant instructor at one or more Service firearms training/re-qualification sessions within the past year. Designated Firearms Instructors assist the Lead Regional Firearms Instructor.

B. Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to serve as Lead Regional Firearms Instructors. The primary role of Lead Regional Firearms Instructors is to oversee firearms training, re-qualification, and weapon familiarization at the field level for those employees with law enforcement authority. Lead Regional Firearms Instructors are responsible for planning, organizing, implementing and evaluating the firearms training program within their respective programs.

C. Certification.

(1) The Branch of Training and Inspection will maintain a list of all individuals qualified to serve as Service Designated Firearms Instructor, and a list of those persons designated as the Lead Regional Firearms Instructors for each region. Such information shall be available to the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife to be considered prior to designation of Firearms Instructors. The Special Agent in Charge, Branch of Training and Inspection, shall be notified in writing of all designations.

(2) Service Designated Firearms Instructor designations will remain in effect until such time as an instructor fails to conduct or assist in the presentation of one training/re-qualification session in two consecutive years or the designation is changed by the responsible ARD.

(3) Reinstatement as a Service Designated Firearms Instructor must be initiated by written request to the ARD for Law Enforcement/ Special Agent in Charge or Assistant Regional Director for Refuges and Wildlife. Reinstatement will be granted only after successful completion of a Service refresher or other approved refresher course as specified by the Branch of Training and Inspection, if the individual has not maintained qualifications as indicated in paragraph (2) above.

D. Non-Service Firearms Instructors. When special circumstances exist and a Service Designated Firearms Instructor is not available to conduct re-qualification this duty may be performed by a certified range officer or certified firearms instructor employed and designated by any bona fide Federal, State, County, or Municipal police agency. The reporting requirements as contained in this chapter must still be completed for any re-qualification conducted by non-Service firearms instructors.

E. In-Service Training for Firearms Instructors. Every three years, a 24 hour in-service training session will be conducted for Service firearms instructors. The Branch of Training and Inspection shall be responsible for the development and coordination of these training sessions. The ARD for Law Enforcement/Special Agent in Charge and ARD for Refuges and Wildlife shall nominate those firearms

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Instructors who will attend this training. However, attendance is mandatory for Designated Lead Regional Firearms Instructors.

1.10 Firearms Instructors Handbook. The Branch of Training and Inspection is responsible for the development, coordination, issuance and revision of the Firearms Instructor Handbook. The Handbook will contain applicable copies of the Department and Service firearms policies and guidelines; approved courses of fire; lesson plans; re-qualification reporting procedures and formats; and other information deemed necessary for proper administration of the Service's firearm programs.

1.11 Firearms Maintenance, Inspection, and Storage.

A. Maintenance. Each law enforcement officer is responsible for the care and routine cleaning of all assigned firearms. To ensure reliability, all ammunition carried in the firearm and ammunition carriers shall be replaced semi-annually. Law enforcement officers are not authorized to disassemble any Service firearm beyond the level specified during the training received for that firearm. Nor may they or anyone else modify in any way the internal/external parts of any firearm. The addition of after-market grips to a Service sidearm is authorized with the approval of a Service Armorer. The addition of accessories or other modifications to Service owned firearms used for law enforcement purposes may only be done by Service Armorer or by the factory, or other certified armorers with the approval of a Service Armorer.

B. Inspection and Repair. Service firearms shall be inspected at least annually by a certified armorer to ensure proper functioning. Certified armorers may disassemble Service firearms as necessary to inspect and analyze problems with the mechanical functioning of the weapons. If a firearm is found to have mechanical modifications that pose a safety hazard or if malfunctions or excessive wear are observed, the firearm is to be immediately removed from service until repaired or replaced. If immediate repairs are not possible, the law enforcement officer shall be issued a replacement firearm of the same type until such time as the officer's weapon is repaired. Firearms found to be unreliable, or in need of excessive repair, must be surveyed and, if appropriate, replaced. All repairs made to any Service firearm must be documented. Records of all annual firearm inspections and repairs shall be maintained by the ARD for Law Enforcement/Special Agent in Charge or designee. For refuge Law Enforcement officers, these records shall be maintained by the Regional Refuge Law Enforcement Coordinator or designee.

C. Storage.

(1) Service officers are responsible for the safe and secure storage of all firearms assigned to them. Service firearms that are not routinely carried shall be stored at Service facilities in a vault, gun locker, or other location which is secured in such a manner as to substantially reduce the possibility of theft or unauthorized removal. These firearms shall be unloaded, with the action open (out of battery).

(2) Service law enforcement officers may leave firearms that are routinely used for law enforcement operations in Service vehicles. Care should be exercised by law enforcement officers in removing and securing the firearms so as not to draw any undue attention which might result in the theft or unauthorized removal of the firearms.

(3) Service firearms carried in vehicles must be secured in locked boxes, trunks, or other locations which will reduce the risk of theft or unauthorized removal, unless their use is imminent. Firearms shall not be stored in vehicles that are not in routine use and which are left unattended for extended periods of time.

(4) If at all possible, firearms should be stored at the law enforcement officer's duty station. However, when it is impractical to do so, or operational requirements dictate otherwise, law enforcement officers are authorized to store them at their residence, provided appropriate safeguards are taken. Family members

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Chapter 1 Firearms	442 FW 1

should be educated not to handle these firearms. Firearms stored at a residence must stored under lock and key, unloaded, actions open (out of battery) with the ammunition stored separately.

D. Loss of Firearms. Service law enforcement officers shall verbally report the loss or theft of any Service firearm to his or her immediate supervisor, the local Federal Bureau of Investigation office, and the pertinent local police jurisdictions. This report should include weapon make, model number, serial number, and caliber. These oral reports must be followed by a written report from the law enforcement officer within seventy two (72) hours. The officer's immediate supervisor shall forward a copy of the report to the ARD for Law Enforcement/Special Agent in Charge or ARD for Refuges and Wildlife for compliance with report of survey requirements in accordance with 310 FW 7, Report of Survey.

1.12 Service Designated Armorer.

A. Within each region the ARD for Law Enforcement/Special Agent in Charge and the ARD for Refuges and Wildlife shall designate employees within their respective programs to receive training and serve as Service Designated Armorers (SDA). Service Designated Armorers will perform routine inspection, maintenance, and repair of Service firearms.

B. Service Designated Armorers must have graduated from a factory sponsored training course for the specific firearm(s) for which certification is required, and must successfully meet all factory re-certification requirements.

C. The Branch of Training and Inspection shall be advised of all Service Designated Armorer designations and shall maintain a list of all Service Designated Armorers. This list shall include the name, duty location, Division identification, and what weapon certification is held by each armorer.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

Date: November 22, 2005

11/22/05, FWM 472
Supersedes 445 FW 4, FWM 306, 12/31/96

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Chapter 2 Use of Force Policy	442 FW 2

2.1 Purpose. This chapter establishes a uniform policy regarding the use of force by Service officers in the performance of their official law enforcement duties.

A. This policy is intended to provide Service officers with an understanding of the various force options available to them, and when the application of a particular option or level of force would be considered legally permissible and reasonably necessary to perform their duties, and to protect themselves and others.

B. For the purposes of this Part 442, the term Service law enforcement officer, Service officer, or officer means any Service employee authorized to carry and utilize firearms in the performance of their official law enforcement duties.

2.2 Policy. Service law enforcement officers will use only that force necessary and reasonable to overcome the resistance offered by a suspect or individual. The level of force used by a Service officer must not be excessive or unjustified.

2.3 Definitions. The following terms and definitions are to be used in the practical application of the use of force.

A. Force. Physical presence, action or exercise of strength to compel another to act or refrain from certain behavior. It may include physical touching of another, striking, kicking, the use of chemical agents and other intermediate force weapons, restraints, and/or firearms.

B. Non-lethal Force. Force used to control a suspect or prisoner, or other person when justified, which does not normally result in serious injury or death. This usually includes physical touching of a suspect, and may be in the form of control techniques, Oleoresin Capsicum, batons, or restraining devices.

C. Deadly Force. Force which is intended or likely to cause death or serious bodily harm. Most often, deadly force involves the use of a firearm aimed at a suspect. Deadly force actually encompasses any means or instrumentality which may inflict death or serious bodily injury.

D. Unjustified or Excessive Use of Force. Force without justification or excuse; or the application of force clearly beyond that called for given the suspect's level of resistance.

2.4 Application of Force.

A. Levels of Control/Force. The levels of control or force utilized by Service officers to overcome a suspect's/individual's resistance are categorized as follows.

- (1) Officer's Presence
- (2) Verbal Direction
- (3) Soft, empty hand control
- (4) Hard, empty hand control
- (5) Chemical Agents (Oleoresin capsicum)
- (6) Impact Weapons

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Supersedes 442 FW 1, FWM 247, 03/29/96

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(7) Deadly Force

B. Use of Restraints. Service officers may routinely use handcuffs, flex-cuffs, legcuffs and body chains to justifiably control, restrain, and transport persons. Restraining devices will be applied properly and in accordance with the training received so as to minimize the risk of unnecessary injury.

C. Avoidance of Risk. Service officers should not take undue risks that could result in death or serious bodily harm. Whenever possible, officers should attempt to defuse and stabilize any dangerous situation(s) by using communication skills and/or waiting for backup assistance. Officers are never required to take UNREASONABLE risks and may opt to disengage or withdraw if such action can be safely accomplished without further endangering themselves, other officers or the public.

D. Degree of Force. Service officers will only use that degree of force that is legally permissible; reasonably necessary to perform their duties; and is required to protect themselves and others. The degree of force applied depends on the circumstances and facts of a particular incident, and is governed by the following conditions:

(1) The degree of resistance or force threatened or exhibited by the suspect(s), including the suspect's possession or non-possession of a deadly weapon; and

(2) The officer's perception of that resistance, including the jeopardy of death or serious bodily harm to the officer or others implied by the suspect.

E. Deadly Force Policy. The use of deadly force is the highest level of force that can be employed by a Service officer. It will normally involve the aimed discharge of a firearm at a person with the intended effect to be the immediate incapacitation of that person. The following deadly force policy will apply to all Service officers:

A SERVICE OFFICER MAY ONLY DISCHARGE HIS OR HER FIREARM DIRECTLY AT ANOTHER PERSON WHEN THE OFFICER REASONABLY BELIEVES THAT THE OFFICER OR ANOTHER INDIVIDUAL IS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.

2.5 Chemical Agents.

A. Oleoresin capsicum (OC). The only approved chemical agent that may be used by Service officers is Oleoresin capsicum. The Service recognizes OC as a non-lethal force alternative which can be used to defend or against and control actively resistant or violent offender/individuals. Based on the Service officers reasonable perception that OC is necessary to avoid a physical confrontation, OC may be used immediately PRIOR to hard, empty hand control techniques, impact weapons, or deadly force.

B. Authorization. Only those Service officers who have successfully completed Service approved training in the use of OC are authorized to carry and use this agent. Only Service owned and issued OC is authorized.

2.6 Impact Weapons. Service officers who have successfully completed the required training are authorized to use a baton (either straight or collapsible). This weapon may only be used by Service officers when the offender is engaged in physically aggressive resistance which puts the officer at risk of bodily harm. Batons may only be used in accordance with the training received.

2.7 Firearms

A. Guidelines. The following guidelines will govern the use of firearms by Service officers.

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<u>Chapter 2 Use of Force Policy</u>	<u>442 FW 2</u>

- (1) A firearm will be fired directly at a person only with the intent of rendering the person incapable of continuing the action or activity that justified the use of deadly force. The use of deadly force will be justified based upon the circumstances known to the officer at that time, and where the immediate application of deadly force is the only reasonable means by which the person can be quickly and dependably incapacitated or stopped.
- (2) Firing at a fleeing suspect is not justified unless the Service officer has reasonable cause to believe the fleeing person poses an immediate threat of serious bodily injury or death to the officer or others, has the means to carry out that threat, and manifests an intent to do so.
- (3) Warning shots can pose a hazard to innocent persons, therefore their use by Service officers is not authorized.
- (4) In the presence of the public, a sidearm should only be drawn when the Service officer has cause to believe it may be needed, and to leave it in the holster would place the officer at a distinct disadvantage.
- (5) Shoulder weapons (shotguns and rifles) may be displayed only when appropriate and when their use may be required.
- B. Authorization.** Only those Service officers who have successfully completed Service approved training on the use of firearms and are currently qualified are authorized to carry and use firearms. Only Service owned and issued firearms are authorized.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

Date: November 22, 2005

11/22/05, FWM 473
Supersedes 442 FW 1, FWM 247, 03/29/96

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Chapter 3 Reporting and Board of Review	442 FW 3

3.1 Purpose. This chapter establishes procedures for reporting the use of force or the discharge of firearms by Service officers and for convening a Board of Review (BOR) in such instances.

3.2 Scope.

A. This chapter applies to the use of force only where serious bodily injury has occurred, or the intentional or unintentional discharge of a firearm, by Service officers while performing law enforcement duties.

B. This chapter does not apply to the discharge of a firearm for training, qualifying, or non-law enforcement purposes.

3.3 Responsibilities.

A. Assistant Director-Refuges and Wildlife. The Assistant Director ensures the development of Service policy governing the use of force and that the policy remains current. The Assistant Director is assisted by the **Chief, Division of Law Enforcement**.

B. Regional Director. The Regional Director convenes and acts on the report of a Board of Review in accordance with this chapter and provides for logistical and clerical support as needed. The Regional Director also ensures that personnel involved in use of force incidents are offered psychological counseling.

C. Deputy Director - Staff. Within the Washington Office, responsibilities identified for the Regional Director are assumed by the Deputy Director - Staff.

D. Chairperson, Board of Review. The chairperson will ensure that the BOR fulfills its duties in accordance with this chapter and submits its final report to the Regional Director within the allotted time.

3.4 Reporting Requirements.

A. Service Officer.

(1) Whenever a Service officer has been involved in a use of force incident where serious bodily injury has occurred, or has discharged a firearm, except for training or non-law enforcement purposes, the involved officer shall as soon as possible verbally notify the immediate supervisor.

(2) The officer should notify local law enforcement authorities of use of force incidents, advise them of any arrests, and request that a crime scene investigation be initiated.

(3) Within seventy-two (72) hours, the involved officer shall prepare and submit a written report detailing the circumstances that resulted in the discharge of the firearm or use of force. This report shall be submitted to the officer's immediate supervisor. It is the official report of the incident and is not considered a statement covered by section 3.6

B. Supervisory Personnel.

(1) Upon receipt of the officer's verbal notification, the immediate supervisor shall as soon as possible notify

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Supersedes 442 FW 2, FWM 247, 03/29/96

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the appropriate Assistant Regional Director and the Chief, Division of Law Enforcement.

(2) The Chief, Division of Law Enforcement shall notify other Service/Department personnel as deemed appropriate, or as may be required by Department policy.

3.5 Other Actions Attendant to Incidents with Serious Bodily Injury or Death. Based on the initial facts known regarding the firearm discharge or other use of force, the following actions shall be taken.

A. Medical Aid. The officer should render or arrange for emergency medical aid for all injured persons when it is safe for the officer to do so.

B. On-Scene Presence. Upon receipt of the Service officer's notification, the immediate supervisor or other designated person shall:

(1) Report to the scene of the incident, or to where the involved officer is located. If the immediate supervisor is unable to report in a timely manner, the supervisor will arrange for another Service officer to immediately report to the scene or the officer's location.

(2) If the supervisor or designate deems it appropriate, take custody of all firearms that have been discharged by Service officers during the incident and retain them in the supervisor's custody until the conclusion of the BOR investigation; unless the weapons are being held by the local law enforcement agency. All such weapons shall be made available to the BOR for testing and other uses if the board deems it appropriate.

C. Administrative Leave. The officer will be placed on administrative leave with full pay pending the conclusion of the review by the BOR. The involved officer may be returned to restricted or non-restricted duties prior to the completion and submission of the BOR's final report when the Regional Director and Chief, Division of Law Enforcement concur that it is appropriate to do so.

3.6 Statements by Service Officers.

A. A Service officer should not give any oral or written statements to anyone, including the investigative agency at the scene until he/she has contacted his/her immediate supervisor. Depending on the seriousness of the incident, the involved officer may wish to wait 24 hours before making any statements regarding the incident.

B. With the exception of the official notifications and report of the incident required in section 3.4A, all statements, either oral or written, required to be made by Service officers to their supervisors or the BOR are for internal Service administrative purposes ONLY. Such statements will not be used in any criminal or civil proceeding that may result from the incident. Any officers involved in a use of force incident will be afforded up to forty-eight (48) hours to seek private legal counsel prior to making any statements. Should the officer retain private counsel, it will be at the officer's own expense. If retained, private counsel may be present during any questioning of the involved officer, and may provide assistance with the preparation of all oral and written statements.

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3.7 Psychological Counseling.

A. The Service shall make available to all Service officers and their immediate families, at no cost to them, professional psychological counseling whenever the officer has been involved in a use of force incident or other traumatic incident that may affect the officer or his/her family.

B. The use of this resource is entirely at the discretion of the officer or his/her family, except that the Regional Director may require such counseling when making a fitness for duty determination based on a recommendation by the BOR. The psychological counseling provided by the Service shall be of a reasonable duration and is intended to assist the officer and his/her family in dealing with the initial shock or psychological trauma that may result from the incident.

C. The offer of psychological counseling does not preclude the officer from obtaining counseling from anyone he/she desires, but at the officer's own expense.

D. Health care professionals involved in providing this service, absent a court order, will not divulge to any investigative body the contents of any discussions they have had with the officer or members of his/her family. The only exception to this will be the requirement to offer comments to the Service as to the officers fitness for duty.

3.8 Board of Review. Whenever a Service officer is involved in a use of force incident where serious bodily injury has occurred, or where the officer has discharged a firearm, either intentionally or unintentionally, excluding discharges during training and for non-law enforcement purposes; a Board of Review shall be convened to gather information and facts, conduct interviews, document, and make recommendations concerning any administrative actions that may be taken by the Service as a result of the incident.

A. Convening Authority. The Regional Director will convene the BOR as soon as practicable. Specifically, within 72 hours of being notified of an incident or discharge, the Regional Director will issue a document that impanels the members of the BOR, identifies the chair, states the purpose of the investigation, provides instructions by referencing this chapter, and specifies the date when the final report is due.

B. Composition.

(1) The BOR will consist of a special agent from the Division of Law Enforcement's Branch of Training and Inspection; a management official knowledgeable and/or experienced in the field of operation in which the incident or discharge occurred; and a field officer knowledgeable and/or experienced in the field of operation in which the incident or discharge occurred, and selected by officer involved. In the event more than one officer is involved, two field officers shall be selected by the officers involved.

(2) The BOR will be chaired by the special agent from the Branch of Training and Inspections.

(3) The management official selected must have law enforcement authority and shall not be in the direct line of supervision of the officer or officers involved in the incident or discharge being reviewed.

C. Duties. The BOR shall review the instance to:

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Supersedes 442 FW 2, FWM 247, 03/29/96

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(1) Determine whether the incident or discharge was appropriate. In arriving at such determination the BOR shall:

- (a) consider all property damage and personal injury or death to any persons involved;
 - (b) consider whether officers involved complied with existing Service policy;
 - (c) identify any weakness or defects in exiting Service policy; and,
 - (d) determine whether Service policy was effectively communicated.
- (2) Recommend appropriate action to reduce likelihood of recurrence of the incident or discharge.
- (a) Recommendations may address the need to review or revise existing procedures; provide additional training to parties involved both directly or indirectly; or take appropriate administrative action against parties involved, both directly and indirectly.
 - (b) The BOR will no recommendation concerning criminal or civil action.
 - (c) In the event that administrative action is recommended, the BOR will not recommend a specific administrative action to be taken.
- (3) The BOR will clearly identify its "judgement calls" where they may differ from the judgements of others involved.

D. Report.

- (1) The final report shall be concurred in by a majority of BOR members, and be signed by those concurring members. Any member that disagrees with the findings and recommendations of the Board, will submit a minority report. The final report(s) shall be submitted within thirty (30) days of impanelment to the convening authority (Regional Director.)
- (2) The final report of the BOR is an internal document to be considered by management for the purpose of reviewing all use of force incidents and determining appropriate action. As such, the report does not constitute or contain an official position of the Service.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

Date: November 22, 2005

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**U.S. Fish and Wildlife Service Regional Law
Enforcement Office Contact Information**

JURISDICTION	SPECIAL AGENT IN CHARGE
REGION 1: California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam,	SAC U.S. Fish and Wildlife Service/Law Enforcement 911 N.E. 11 th Avenue Portland, OR 97232-4181 Main: 503-231-6125 Fax: 503-231-6197
REGION 2: Arizona, New Mexico, Oklahoma, and Texas	SAC U.S. Fish and Wildlife Service/Law Enforcement 500 Gold Ave SW, RM 9021 Albuquerque, NM 87102 Main: 505-248-7889 Fax: 505-248-7899
REGION 3: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 45 Federal Building Fort Snelling, MN 55111-0045 Main: 612-713-5320 Fax: 612-713-5283
REGION 4: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 49226 Atlanta, GA 30359 Main: 404-679-7057 Fax: 404-679-7065
REGION 5: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	SAC U.S. Fish and Wildlife Service/Law Enforcement 300 Westgate Center Drive Hadley, MA 01035 Main: 413-253-8274 Fax: 413-253-8459
REGION 6: Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming	SAC U.S. Fish and Wildlife Service/Law Enforcement P.O. Box 25486 – DFC Denver, CO 80225 Main: 303-236-7540 Fax: 303-236-7901
REGION 7: Alaska	SAC U.S. Fish and Wildlife Service/Law Enforcement 1011 E. Tudor Road, Mail Stop 151 Anchorage, AK 99503-6199 Main: 907-786-3311 Fax: 907-786-3313
REGION 9: Headquarters Office	SAC U.S. Fish and Wildlife Service/Law Enforcement 4401 N. Fairfax Drive, Mail Stop LE3000 Arlington, VA 22203 Main: 703-358-1949 Fax: 703-358-2271

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APPENDIX B

TRANSPORTATION OF FIREARMS ON COMMERCIAL AIRCRAFT

A. Public Law 87-197, 49 U.S.C., Section 1472(1), provides criminal penalties for the carrying of a firearm aboard a commercial aircraft. The statute specifically states that this prohibition does not apply to agents of the Federal Government who are authorized or required within their official capacities to carry firearms pursuant to this statute. The Department of Transportation has issued regulations regarding the carriage of firearms on commercial air carriers. These regulations (as contained in 14 CFR, Section 108) require Federal agents who are authorized to carry a firearm to meet the following conditions when it is necessary for the firearm to be carried while aboard any commercial aircraft.

1. The conservation officer shall notify the airline at least 1 hour prior to departure (or in the case of an emergency, as soon as practicable) that he or she is a Federal agent/officer who has a need to travel armed. Among other things, this allows the carrier to comply with its regulatory requirements to notify new members and other law enforcement personnel of the presence and location of each armed person aboard the aircraft.

2. Armed officers must identify themselves by displaying their credentials to the appropriate airline and security personnel before carrying a firearm on a commercial aircraft.

3. The armed officer shall not consume alcoholic beverages while on board the aircraft, or 8 hours before the flight.

4. In order not to cause undue alarm to any passenger or have the firearm become a target of opportunity for any person, the officer will exercise the utmost discretion to ensure that the firearm is not observable while in flight status.

5. When traveling by air on official enforcement business, officers shall determine whether the immediate requirements of the particular mission make it necessary for a firearm to be carried on their person.

6. No firearm shall be carried aboard a commercial aircraft by an officer when traveling on personal business. However, firearms may be placed in checked baggage, in accordance with paragraph 9a, below.

7. Whenever a firearm is to be carried aboard an aircraft, the officer shall adhere to all of the above procedures. It should be noted that despite the fact that the officer feels that the scope of the enforcement mission requires that he/she carry his or her firearm on board an aircraft, airlines are not required to transport armed officers and may deny boarding the officer.

8. Except as required when checking baggage with the airlines, officers will not surrender any firearm to airline personnel in order to obtain a boarding pass from the airline.

9. When in the judgment of the officer, the immediate requirements of a particular law enforcement mission do not warrant the carrying of a firearm aboard aircraft, the firearm may be placed in checked baggage in accordance with the following requirements:

a. The conservation officer must ensure that the firearm is unloaded, secured within hard-sided luggage or placed in a hard-sided container within soft-sided luggage, and placed in luggage to which only the officer transporting the firearm retains the key or combination to the lock.

b. The conservation officer must advise the airline that the above procedures have been followed, and, if requested, allow airline personnel to inspect the weapon at the ticket counter when the luggage is checked.

c. The conservation officer shall ensure that the "firearms" tag is placed inside the shipping container (luggage), and not affixed to the outside.

10. Under no circumstances will a conservation officer carry OC-10, Cap-Stun, other pressurized Oleoresin capsicum agents, mace, tear gas, chemical agents, or other gaseous products in a pressurized container on board an aircraft, or place such items in their checked baggage or luggage.

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APPENDIX C

UNIFORM ITEMS AND COSTS

Table C-1, Uniform Types and Costs

Horace Small Catalog						
PAGE	DESCRIPTION	TYPE	MATERIAL	COLOR	EMBROID	ITEM PRICE
3	MEN N. D. SHIRT	LONG SLEEVE	62%POLY 38% CTN	SILVER/TAN	NO	HS1115 \$25.60
3	MEN N.D. SHIRT	SHORT SLEEVE	62%POLY 38% CTN	SILVER/TAN	NO	HS1211 \$22.66
3	WMN N.D. SHIRT	LONG SLEEVE	62%POLY 38% CTN	SILVER/TAN	NO	HS1168 \$25.60
3	WMN N.D. SHIRT	SHORT SLEEVE	62%POLY 38% CTN	SILVER/TAN	NO	HS1269 \$22.66
6	HORIZON KNIT SHIRT	SHORT SLEEVE	100% POLY	SILVER TAN	YES	HS5117 \$27.13
12	MANS 6 POCKET CARGO	TROUSER	100% POLY	BROWN		HS2302 \$39.83
12	MANS 6 POCKET CARGO	TROUSER	100% POLY	FOREST GREEN		HS2306 \$39.83
12	MANS 6 POCKET CARGO	SHORTS	100% POLY	BROWN		HS2317 \$32.80
12	MANS 6 POCKET CARGO	SHORTS	100% POLY	FOREST GREEN		HS2308 \$32.80
12	WMN 6 POCKET CARGO	TROUSER	100% POLY	BROWN		HS2303 \$32.80
12	WMN 6 POCKET CARGO	TROUSER	100% POLY	FOREST GREEN		HS2307 \$32.80
12	WMN 6 POCKET CARGO	SHORTS	100% POLY	BROWN		HS2318 \$32.80
12	WMN 6 POCKET CARGO	SHORTS	100% POLY	FOREST GREEN		HS2309 \$32.80
14	MEN SPECIAL DESIGNS	DRESS PANTS	100% POLY	GRN/BLK STRIPE		HS2294 \$29.29
14	WMN SPECIAL DESIGNS	DRESS PANTS	100% POLY	GRN/BLK STRIPE		HS2295 \$29.29
14	MEN SPECIAL DESIGNS	DRESS PANTS	100% POLY	CHAR GRY/BLK STP		HS2171 \$32.51
14	WMN SPECIAL DESIGNS	DRESS PANTS	100% POLY	CHAR GRY/BLK STP		HS2219 \$32.51
15	WEATHER 4	COAT	100% NYLON	FOREST GREEN		HS3314 \$172.79
15	WEATHER 4	COAT	100% NYLON	BROWN		HS3316 \$172.79
16	SENTRY WINDBREAKER	COAT	80%POLY 20% CTN	FOREST GREEN		HS3323 \$62.09
16	SENTRY WINDBREAKER	COAT	80%POLY 20% CTN	BROWN		HS3325 \$62.09

Table C-1, Uniform Types and Costs

US Fish and Wildlife Service Catalog						
<u>PAGE</u>	<u>DESCRIPTION</u>	<u>TYPE</u>	<u>MATERIAL</u>	<u>COLOR</u>	<u>ITEM</u>	<u>PRICE</u>
5	MEN TROUSER	PANTS	65% POLY 35% CTN	BROWN	FS2100	\$27.94
5	WMN TROUSER	PANTS	65% POLY 35% CTN	BROWN	FS2101	\$27.94
5	JEANS MENS	PANTS	100% CTN	BROWN	FS2238	\$24.46
5	JEANS WOMAN	PANTS	100% CTN	BROWN	FS2239	\$24.46
5	M - CARGO TROUSER	PANTS	65% POLY 35% CTN	BROWN	FS2240	\$37.50
5	W - CARGO TROUSER	PANTS	65% POLY 35% CTN	BROWN	FS2241	\$37.50
6	HIKING SHORTS	SHORTS	65% POLY 35% CTN	BROWN	FS2113	\$21.77
6	HIKING SHORTS	SHORTS	65% POLY 35% CTN	BROWN	FS2114	\$21.77

Professional Imagewear Catalog						
<u>PAGE</u>	<u>DESCRIPTION</u>	<u>TYPE</u>	<u>MATERIAL</u>	<u>COLOR</u>	<u>EMBROIDY</u>	<u>PRICE</u>
36	LEE BASIC PIQUE	MEN POLO SHRT	100 % CTN	STONE	YES	7701ST \$22.73
36	LEE BASIC PIQUE	MEN POLO SHRT	100 % CTN	STONE	YES	5701ST \$22.73
36	LEE BASIC PIQUE	WMN POLO SHRT	100% CTN	STONE	YES	7129ST \$26.87
36	LEE BASIC PIQUE	WMN POLO SHRT	100% CTN	BROWN		PC20BN \$16.19
38	MEN LONG SLEEVE	SUEDED POLO	100% CTN	SPRUCE GREEN		PC20SG \$16.19
46	CTN WORK PANT	MENS	65%POLY 35%CTN	BROWN	YES	JT50BN \$36.20
46	CTN WORK PANT	MENS	CTN/POLY	BLACK	YES	81TWILL \$12.00
51	JACKET	PERMA LINED	65%POLY 35%CTN	BROWN	YES	JT50BN \$36.20
	BALLCAP		CTN/POLY	BLACK	YES	81TWILL \$12.00

Table C-2, Recommended Initial Uniform Issue

<u>ITEM</u>	<u>ITEM #</u>	<u>PRICE</u>	<u>QUANTITY</u>	<u>AMOUNT</u>
Long Sleeve Dress Shirt	HS1115	\$25.60	1	\$25.60
Short Sleeve Dress Shirt	HS1211	\$25.60	1	\$25.60
Dress Trousers	HS2294	\$29.29	1	\$29.29
Coat (Weather 4)	HS3314	\$172.79	1	\$172.79
Short Sleeve Polo	7701HG	\$22.73	2	\$45.46
Work Trousers	HS2302	\$39.83	2	\$79.66
			Total	\$378.40
Tie				\$10.00
Belt				\$11.00
			Grand	
			Total	\$399.40
Windbreaker	HS3323	\$69.02	1	\$69.02
Long Sleeve Polo	7129ST	\$26.87	2	\$53.74
				\$122.76
			Total	\$ 522.16

CONSERVATION LAW ENFORCEMENT PROGRAM

APPENDIX D

WEAPONS DISCHARGE, USE OF FORCE, BOARD OF REVIEW,
AND PSYCHOLOGICAL COUNSELING

A. Purpose. To establish Board of Review (BOR) functions, responsibilities, and procedures to be followed if a CLEO discharges a firearm in the line of duty or if a conservation officer has been involved in the line of duty in a use of force incident where bodily injury has occurred.

B. Requirements After Weapon Discharge or Other Use of Force. If a conservation officer has been involved in a use of force incident where serious bodily injury has occurred or has discharged a firearm in the line of duty, the conservation officer shall, as soon as possible, verbally inform his or her immediate supervisor. Within 48 hours, the involved conservation officer shall provide his or her immediate supervisor a detailed written report concerning the discharge of the firearm or use of force. The conservation officer has the right to consult counsel prior to submitting a statement, but the written report still must be submitted within 48 hours of the incident. Upon receipt of the conservation officer's verbal notification, the immediate supervisor shall notify the appropriate personnel and shall initiate the assembly of the BOR. Based on the initial facts regarding the firearm discharge or other use of force, the following actions shall be taken:

1. Firearm Discharge, No bodily Injury or Death. Upon receipt of the conservation officer's written description of an incident in which no bodily injury or death occurred, the BOR shall review the incident as required by this appendix D.

2. Firearms Discharge, Use of Force With Serious Bodily Injury or Death. If a conservation officer has been involved in a use-of-force incident where serious bodily injury or death has occurred, the conservation officer and the appropriate supervisor shall take the following actions:

a. The conservation officer should render or arrange for emergency medical aid for all injured persons when the CLEO may safely do so.

b. The conservation officer should notify local law enforcement authorities of the incident and advise them whether the suspects involved are under arrest and request that a crime scene investigation be initiated.

c. Before giving any oral or written statements to anyone, including the investigative agency at the scene, the conservation officer should contact his or her immediate supervisor. Every effort shall be made to ensure that the CLEO has been afforded reasonable time to regain composure and is capable of understanding his or her rights before he or she is required to make any statements.

d. Upon receipt of the conservation officer's notification, the immediate supervisor or other designated person shall:

(1) Report to the location of the conservation officer involved. If the immediate supervisor is unable to report in a timely manner, the supervisor will arrange for his representative to immediately report to the conservation officers location.

(2) The supervisor or his representative may, in his or her discretion, take custody of all firearms that discharged by the conservation officer during the incident and retain them in the supervisor's custody until the conclusion of the BOR investigation unless the weapons are being held by a local law enforcement agency. All such weapons shall be made available to the BOR for testing and other uses if the BOR deems appropriate.

e. The incident will be referred to a BOR.

3. BOR. Whenever a conservation officer is involved in a use-of-force incident where serious bodily injury has occurred or where the conservation officer has discharged a firearm (excluding discharges during training and for non-law enforcement purposes), a BOR shall be assembled to gather information and facts, conduct interviews, document the incident, and make recommendations concerning administrative actions that may be taken by the Marine Corps as a result of the incident. The installation's chief conservation officer, in consultation with the Naval Criminal Investigative Service (NCIS) Special Agent in charge for the installation where the incident occurred, is to insure that the BOR is assembled within 72 hours of the reported incident.

C. Board of Review.

1. Composition. A BOR comprises three persons:

a. The training officer assigned to Natural Resources Enforcement Section of the installation.

b. A supervisor within the natural resource directorate for the Marine Corps who is not the immediate supervisor of the CLEO concerned. The chief law enforcement officer for the installation in which the involved conservation officer is located shall select this person. A representative from NCIS will be invited to participate as an advisor on the BOR.

c. A special agent from another Federal agency or conservation officer of the involved conservation officer's choice.

2. The BOR presiding officer will be the Residing Chief Conservation officer at the nearest USMC installation where the incident took place.

D. Multiple Conservation Officers involved. If the incident involves the discharge of firearms or the use of force by more than one conservation officer, or by a conservation officer and any other law enforcement officer, military member, or armed citizen, the BOR will be expanded to five members, with the two additional members selected, one by the chief law enforcement officer of the installation and one by the conservation officer or conservation officers. A representative from NCIS will be invited to participate on the BOR as an advisor.

E. BOR Responsibilities. The purpose of the BOR is to ascertain if the policies in this NAVMC and its accompanying Marine Corps Order have been followed and if the Marine Corps, because of the incident, should take any administrative action against the conservation officer or make any changes to policy. The BOR is not responsible for investigating the incident for purposes of criminal or civil legal action. The BOR is an informal hearing, and no formal rules of evidence apply, although any party or BOR member may object to any evidence offered. The presiding officer will note such objection for the record and decide if the BOR will or will not consider the evidence. The BOR will select one of its members to prepare a report of its proceedings.

1. The BOR will prepare a written report that documents the facts as it finds them; expresses opinions supported by those facts; and makes recommendations concerning personnel action or changes to policies. At least one opinion will specifically state whether the conservation officer or officers followed the policies in this NAVMC and its accompanying Marine Corps Order. Testimony at the board (in person, by phone, or by electronic mail), written statements, photographs, and any physical evidence will support each finding of fact, and each finding of fact will indicate the item or items that support it.

2. The BOR will, after obtaining all evidence available, make its decisions by majority vote in private session attended only by the BOR members. The final report prepared by the BOR shall have the concurrence of a majority of the board members and be signed by all concurring members. Any member who disagrees with the findings, opinions, and recommendations of the board will submit a minority report. All conservation officers whose conduct is the subject of BOR examination will be afforded the opportunity to respond to the BOR, including commenting on or rebutting any BOR findings of fact, opinions, or recommendations. The final report(s) shall be submitted to the officer's or officers' supervisor within 30 days after the BOR convenes.

3. The supervisor specified in paragraph A.2, above, will provide copies of the final BOR report, including any comment or rebuttal by the officer or officers involved, to the conservation officer or officers involved in the incident or to his or her or their counsel, to the appropriate personnel within the chain of command, to Headquarters Marine Corps Security Division (CMC/PP&O/PS), and to CMC (LFL). Any requests by attorneys or the public for copies of the BOR report will be referred to the installation's staff judge advocate or civilian attorneys.

F. Administrative Leave. If conservation officer has been involved in a use-of-force incident where serious bodily injury or death has occurred, he or she will be placed on administrative leave with full pay pending the conclusion of the review by the BOR. The conservation officer may be returned to restricted or non-restricted duties before completion and submission of the BORs report when the chief law enforcement officer and conservation officer's supervisor concur that such duty status is appropriate.

G. Statements by Officers; Right to Counsel. All statements, either oral or written, required to be made by conservation officers as a condition of employment to their supervisors or the BOR, are for internal administrative purposes only. Any conservation officer involved in a use-of-force incident will be afforded at least 48 hours to seek private legal counsel before making any statements. A conservation officer may retain private counsel, at his or hers own expense. Such counsel may be present during any questioning of the conservation officer and may assist the conservation officer in preparing all oral and written statements. Counsel may attend any BOR hearing.

H. Psychological Counseling

1. The Marine Corps shall make available to all conservation officers and their immediate families, at no cost to them,

psychological counseling from a licensed mental health professional whenever the conservation officer has been involved in a use-of-force incident or other traumatic incident that has affected the conservation officer(s) or the his or hers family. The use of this resource is entirely at the discretion of the conservation officer(s) except that the Marine Corps may require such counseling for the conservation officer when making a fitness for duty determination. The psychological counseling provided by the Marine Corps shall be of a reasonable duration and is intended to assist the conservation officer and his or hers family in dealing with the initial shock or psychological trauma that may result from the incident. The conservation officer may also obtain counseling from a counselor other than one provided by the Marine Corps, but retention of such a counselor shall be at the conservation officers own expense.

2. Health care professionals involved in providing psychological counseling, absent a court order or the conservation officers consent, will not divulge the contents of any discussions they have had with the conservation officer or members of his or her family or to anyone or to any organization. The discussions may, however, be divulged to judge the conservation officers fitness for duty.